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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M887

RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA V. KARL BRANDT ET AL. (CASE I)

NOVEMBER 21, 1946-AUGUST 20, 1947

Roll 5

Transcript Volumes (English Version)

Volumes 10-12

Feb. 20-Mar. 11, 1947



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1974

INTRODUCTION

On the 46 rolls of this microfilm publication are reproduced the records of Case I (*United States of America v. Karl Brandt et al.*, or the "Medical" Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books in one language or the other. Also included in this publication are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 30 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. The prosecution and defense briefs and answers are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. The unbound prosecution exhibits, numbered 1-570, are essentially those documents from various Nuernberg record series offered in evidence by the prosecution in this case. The defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. Both prosecution document books and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, is a summary of the transcripts. The official court file, in four bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications of defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants, in five bound volumes, were directed to the military governor, the Judge Advocate General, the U.S. district court, the Secretary of Defense, and the Supreme Court of the United States. The finding aids summarize transcripts, exhibits, and the official court file.

Case I was heard by U.S. Military Tribunal I from November 21, 1946, to August 20, 1947. The records of this case, as the

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records of the other Nuernberg and Far East (IMTFE) war crimes trials, are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The Brandt case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the International Military Tribunal against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943, Executive Order 9547 of May 2, 1945, the London Agreement of August 8, 1945, the Berlin Protocol of October 6, 1945, and the Charter of the International Military Tribunal.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances Nos. 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. The procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the International Military Tribunal and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

The crimes charged in the Brandt case consisted largely of medical experiments performed on defenseless concentration camp inmates against their will; "euthanasia" carried out on the mentally defective, the physically sick, the aged, and ethnic and racial groups; and the murder of concentration camp inmates for the express purpose of collecting skulls and skeletons for the Anatomical Institute of the Reich University of Strassburg. The following medical experiments were conducted:

1. High altitude: to investigate effects of low pressure on persons.
2. Freezing: to test human resistance to extremely low temperatures.
3. Malaria: to develop controls over the recurring nature of the disease.
4. Mustard gas: part of a general research program in gas warfare.
5. Sulfanilamide: to test the efficacy of the drug in bone muscle and nerve regeneration and bone transplantation.
6. Seawater: to test methods of rendering seawater potable.
7. Epidemic jaundice: to develop an antitoxin against the disease.
8. Sterilization: to test techniques for preventing further propagation of the mentally and physically defective.
9. Typhus: to investigate the value of various vaccines.
10. Poison: to test the efficacy of certain poisons.
11. Incendiary bomb: to find better treatment for phosphorus burns.

The prosecution alleged and the judgment confirmed that these experiments were not isolated acts of individual doctors and scientists on their own responsibility but that they were the result of high-level policy and planning. They were carried out with particular brutality, often disregarding all established medical practice. Consequently, large numbers of the victims died in the course of or as a result of the experiments.

The euthanasia program was the direct result of a directive by Hitler of September 1, 1939. It resulted in the secret killing not only of aged, insane, incurably ill, and deformed German citizens in sanatoriums in Germany but also in the clandestine murder of foreign workers. The killing in gas chambers and by injections in the sanatoriums served as a proving ground for these forerunners of much larger installations in the mass extermination camps.

In addition to these experiments, over 100 concentration camp inmates were killed for the purpose of obtaining their skeletons. Their ghastly remains were found in Strassburg by Allied troops.

The transcripts of the Brandt case include the indictments of the following 23 persons all of whom were physicians except defendants Rudolf Brandt, Viktor Brack, and Wolfram Sievers:

Karl Brandt: Personal physician to Adolf Hitler, Gruppenfuehrer in the SS and Generalleutnant (Major General) in the Waffen SS, Reichskommissar fuer Sanitaets- und Gesundheitswesen (Reich Commissioner for Health and Sanitation), and member of the Reichsforschungsrat (Reich Research Council).

Kurt Blome: Deputy [of the] Reichsgesundheitsfuehrer (Reich Health Leader) and Plenipotentiary for Cancer Research in the Reich Research Council.

Rudolf Brandt: Standartenfuehrer (Colonel) in the Allgemeine SS, Persoenlicher Referent von Himmler (Personal Administrative Officer to Reichsfuehrer SS Himmler), and Ministerial Counselor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

Joachim Mrugowsky: Oberfuehrer (Senior Colonel) in the Waffen SS, Oberster Hygieniker, Reichsarzt SS und Polizei (Chief Hygienist of the Reich Physician SS and Police), and Chef des Hygienischen Institutes der Waffen SS (Chief of the Hygienic Institute of the Waffen SS).

Helmut Poppendick: Oberfuehrer in the SS and Chef des Persoenlichen Stabes des Reichsarztes SS und Polizei (Chief of the Personal Staff of the Reich Physician SS and Police).

Wolfram Sievers: Standartenfuehrer in the SS, Reich Manager of the "Ahnenerbe" Society and Director of its Institut fuer Wehrwissenschaftliche Zweckforschung (Institute for Military Scientific Research), and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

Karl Genzken: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS and Chef des Sanitaetsamts der Waffen SS (Chief of the Medical Department of the Waffen SS).

Karl Gebhardt: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS, personal physician to Reichsfuehrer SS Himmler, Oberster Kliniker, Reichsarzt SS und Polizei (Chief Surgeon of the Staff of the Reich Physician SS and Police), and President of the German Red Cross.

Viktor Brack: Oberfuehrer in the SS and Sturmbannfuehrer (Major) in the Waffen SS and Oberdienstleiter, Kanzlei des Fuehrers der NSDAP (Chief Administrative Officer in the Chancellery of the Fuehrer to the NSDAP).

Waldemar Hoven: Hauptsturmfuhrer (Captain) in the Waffen SS and Chief Physician of the Buchenwald Concentration Camp.

Herta Oberheuser: Physician at the Ravensbrueck Concentration Camp and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Fritz Fischer: Sturmbannfuhrer in the Waffen SS and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Siegfried Handloser: Generaloberstabsarzt (Lieutenant General, Medical Service), Heeressanitätsinspekteur (Medical Inspector of the Army), and Chef des Wehrmachtsanitätswesens (Chief of the Medical Services of the Armed Forces).

Paul Rostock: Chief Surgeon of the Surgical Clinic in Berlin, Surgical Adviser to the Army, and Amtschef der Dienststelle Medizinische Wissenschaft und Forschung (Chief of the Office for Medical Science and Research) under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

Oskar Schroeder: Generaloberstabsarzt; Chef des Stabes, Inspekteur des Luftwaffe-Sanitätswesens (Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe); and Chef des Sanitätswesens der Luftwaffe (Chief of the Medical Service of the Luftwaffe).

Hermann Becker-Freyseng: Stabsarzt in the Luftwaffe (Captain, Medical Service of the Air Force) and Chief of the Department for Aviation Medicine of the Medical Service of the Luftwaffe.

Georg August Weltz: Oberfeldarzt in the Luftwaffe (Lieutenant Colonel, Medical Service of the Air Force) and Chief of the Institut fuer Luftfahrtmedizin (Institute for Aviation Medicine) in Munich.

Wilhelm Beiglboeck: Consulting physician to the Luftwaffe.

Gerhard Rose: Generalarzt of the Luftwaffe (Brigadier General, Medical Service of the Air Force); Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Adviser for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

Siegfried Ruff: Director of the Department for Aviation Medicine at the Deutsche Versuchsanstalt fuer Luftfahrt (German Experimental Institute for Aviation).

Hans Wolfgang Romberg: Physician on the staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

Konrad Schaefer: Physician on the staff of the Institute for Aviation Medicine in Berlin.

Adolf Pokorny: Physician, specialist in skin and venereal diseases.

The indictment consisted of four counts. Count one charged participation in a common design or conspiracy to commit war crimes or crimes against humanity. The ruling of the tribunal disregarded this count, hence no defendant was found guilty of the crime charged in count one. Count two was concerned with war crimes and count three, with crimes against humanity. Fifteen defendants were found guilty, and eight were acquitted on these two counts. Ten defendants were charged under count four with membership in a criminal organization and were found guilty.

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment and sentences, which acquitted 7 of the 23 defendants (Blome, Pokorny, Romberg, Rostock, Ruff, Schaefer, and Weltz). Death sentences were imposed on defendants Brack, Karl Brandt, Rudolf Brandt, Hoven, Gebhardt, Mrugowsky, and Sievers, and life imprisonment on Fischer, Genzken, Handloser, Rose, and Schroeder; varying terms of years were given to defendants Becker-Freyseng, Beiglboeck, Oberheuser, and Poppendick.

The English-language transcript volumes are arranged numerically, 1-30; pagination is continuous, 1-11538. The German-language transcript volumes are numbered 1a-30a and paginated 1-11756. The letters at the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Several hundred pages are added to the transcript volumes and given number plus letter designations, such as page number 1044a. Page 1 in volume 1 (English) is preceded by pages numbered 001-039, while the last page of volume 28 (English) is followed by pages numbered 1-48.

Of the many documents assembled for possible prosecution use, 570 were chosen for presentation as evidence before the tribunal. These consisted largely of orders, directives, and reports on medical experiments or the euthanasia program; several interrogation reports; affidavits; and excerpts from the *Reichsgesetzblatt* (the official gazette of Reich laws) as well as correspondence. A number

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of the medical reports were accompanied by series of photographs and charts of various experiments.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short description of the exhibit, and a statement on the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and a few mimeographed articles with an occasional carbon of the original. In rare cases the exhibits are followed by translations or additional certificates. A few exhibits are original documents, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
301	NO-1314	410	NO-158
307	NO-120	441	NO-1730
309	NO-131	443	NO-890
310	NO-132	451	NO-732
357	1696 PS	462	NO-1424
362	628 PS	507	NO-365
368	NO-817	546	NO-3347
403	616 PS		

No certificate is attached to several exhibits, including exhibits 433, 435-439, 462, 559, and 561. Following exhibit 570 is a tribunal exhibit containing the interrogation of three citizens of the Netherlands. Number 494 was not assigned, and exhibit 519 is followed by 519a and 519b.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, *Reichsgesetzblatt* excerpts, and other items. There are 901 exhibits for the defendants. The defense exhibits are arranged by name of defendant and thereunder by exhibit number, each followed by a certificate wherever available.

The translations in the prosecution document books are preceded by indexes listing prosecution document numbers, biased descriptions, and page numbers of the translation. They are generally listed in the order in which the prosecution exhibits were introduced into evidence before the tribunal. Pages 81-84 of prosecution document book 1 are missing. Books 12, 16, and 19 are followed by addenda. The document books consist largely of mimeographed pages.

The defense document books are similarly arranged. Each book is preceded by an index giving document numbers, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Prosecution and defense briefs are arranged alphabetically by names of defendants; final pleas and defense answers to prosecution briefs follow a similar

scheme. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

The English-language final pleas, closing briefs, and replies to prosecution briefs of several defendants are missing, as are a few German-language closing briefs and replies to prosecution briefs.

At the beginning of roll 1 are filmed key documents from which Tribunal I derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the Charter of the International Military Tribunal, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of the members of Tribunal I and counsels.

These documents are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes type of exhibit, exhibit number and name, corresponding document number and document book and page, a short description of the exhibit, and the date when it was offered in court. The official court file is indexed in the court docket, which is followed by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of prosecution and defense exhibits already microfilmed or opening statements of prosecution and defense, which can be found in the transcripts of the proceedings.

The records of the Brandt case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the International Military Tribunal, T988; NI (Nuernberg Industrialist) Series, T301; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; and records of the Milch case, M888, the List case, M893, the Greifelt case, M894, and the Ohlendorf case, M895. In addition, the record of the International Military Tribunal at Nuernberg has been published in *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947), 42 vols. Excerpts from the subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office: 1950-53), 15 vols. The Audiovisual Archives Division of the National Archives and Records Service holds motion picture records and photographs of all 13 trials and tape recordings of the International Military Tribunal proceedings.

John Mendelsohn wrote these introductory remarks and arranged the records for microfilming in collaboration with George Chalou.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 5

Target 1

Volume 10

Feb. 20-26, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

CASE No. 1 TRIBUNAL I

U.S. vs KARL BRANDT et al

VOLUME 10

TRANSCRIPTS

(English)

20-26 February 1947 pp. 3213-3617

Official Transcript of the American Military
Tribunal in the Matter of the United States
of America, against Karl Brandt, et al,
defendants, sitting at Nurnberg, Germany on
20 February 1947, 0930, Judge Boals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of
America and this honorable Tribunal.

There will be order in the court.

THE PRESIDENT: Will the Marshal ascertain if the defendants are
all present in court?

THE MARSHAL: May it please Your Honors, all defendants are present
in the court.

THE PRESIDENT: The Secretary General will note for the record the
presence in the court of all the defendants.

Counsel may proceed.

DR. NEALT: Mr. President, before the examination of the witness
Hartleben continues, I should like to submit a request to you. Generalarzt
Dr. Huorfler, who was examined yesterday, asked me to tell the Tribunal
the following.

In the cross-examination yesterday, the apparent contradiction
between Dr. Rosenberg's report and his testimony has bothered this witness.
He did not go home as was his privilege, but he stayed here to be available
to the Tribunal for examination, if this is necessary to clear up the
situation.

This morning he gave me an affidavit and asked the Tribunal to decide
whether to clear up a misunderstanding as he sees it--whether he is to be
heard again personally, or whether the Court would agree, of course after
consultation with the prosecution, if I submit an affidavit from this
witness. After reading this affidavit it seems valuable to me to have at
least judicial notice taken of it, for it actually clears up a misunderstanding.



MR. HARDY: Such a procedure as this seems most unusual to me, Your Honor. I would like to have the opportunity of reading this affidavit. If the gist of the particular statements Dr. Quarfior would like to make-- I submit that he has been duly examined, was placed under oath; questions were directed to him in a very precise and frank manner, and his answers are on the record. Now, whether he wishes to change his testimony or not is something that I cannot understand from Dr. Nolte's remarks. I wish Dr. Nolte would be a little bit more specific.

THE PRESIDENT: If counsel for the defendant Handloser desires to place the witness again on the stand as his own witness recalled, counsel may do so.

DR. NOLTE: Mr. President, if I could give the prosecutor an opportunity to decide by reading this brief affidavit, that will probably be the best solution for all of us. It is not a correction of his testimony, but an explanation of his testimony.

THE PRESIDENT: Counsel for the defendant will hand the affidavit to counsel for the prosecution and allow him to study it for a few moments.

MR. HARDY: Unfortunately, Your Honor, the affidavit is in the German language and I would have considerable difficulty in making it out at this time.

Could we postpone this until later in the afternoon? And I will have one of the members of my staff look this matter over.

THE PRESIDENT: The matter may be postponed, at any rate, until after the morning recess.

MR. HARDY: Thank You.

THE PRESIDENT: If the affidavit will be immediately sent to the office of the Secretary General it will be translated in a few moments.

DR. NOLTE: Mr. President, the direct examination of this witness by me had been finished. The Tribunal had put questions to this witness, and it seemed to me as if the last question which the presiding Judge asked had not yet been answered. Perhaps the Tribunal wants to continue its questioning.

THE PRESIDENT: The Tribunal has no further questions to propound to the witness. If counsel for the defendant desires to propound further questions on his direct examination, he may do so. If not, the witness will be turned over for the cross-examination.

Have any defense counsel any questions to propound to this witness on cross-examination?

HANS HARTLEBEN -- (Resumed)

EXAMINATION

BY DR. STEINBAUER (Counsel for defendant Professor Dr. Bioglboeck):

Q. Witness, the Judge asked you yesterday about the extent of military orders. Your answer was not very clear. Did I understand correctly that you made a distinction between "instructions" and "orders"?

A. I said that in the service regulations of 1942 for the chief of the Wehrmacht Medical Services, the word "order" was not used. Instead of this word "order" the word "instructions" was used. In military language a distinction has always been made between these two concepts. An instruction, as I took the liberty of saying yesterday, is a directive, a request, a general statement as to in what direction and toward what aim something is to be done, without going into details and making precise statements, which form the actual content and meaning of a military order. This distinction was quite usual in military language.

Have you understood me clearly now?

Q What were the results of instructions on the one hand and a military order on the other hand, in regard to a medical officer?

A I do not quite understand the question. Could you please phrase it a little more precisely?

Q Is it true that an instruction is only to give directions while an order must be executed directly?

A About the sense.

DR. ST. INBAUER: Thank you.

THE PRESIDENT: Is there any further cross examination of this witness by Defense Counsel. If not the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. HARDY:

Q Doctor, you stated that the express purpose for the Fuehrer's decree of 1942 was to coordinate material or the utilization of material and personnel in the medical field in Germany; that is, the field of the Wehrmacht, civilian sector, with Karl Brandt as the top superior? Now, isn't the utilization of the material and personnel in the field of medical research a common problem of all branches of the Wehrmacht requiring a coordinated and planned directive?

A First, I may correct one thing, Professor Brandt was not the Chief in that matter, but according to the text of the Fuehrer's order, he is empowered to conduct the negotiations; that is how I explained it yesterday. As far as the joint nature of research which, as I said yesterday, at that time in 1942, was not in the foreground of interest. It is not absolute, there are branches of research which are specifically for the Luftwaffe, for example, or for the Navy--problems can appear which do not interest the Army at all, then one would not speak of any joint nature of a research assignment.

Q Well, isn't it true, Doctor, that there were a considerable number of medical men working on research problems in the various branches of the Wehrmacht?

A In various fields of research, you mean?

Q Yes.

A Yes, of course.

Q Then, that decree was to coordinate the use of material and personnel. Would it not seem logical that the field of research would also come within the scope of this decree so that they might use some of their doctors on research, for other problems to avoid duplication of their effort. For instance, the Luftwaffe working on Typhus research, the Army working on Typhus research, the Navy working on Typhus research, and the Waffen SS working on Typhus research; wouldn't it be a function of the Chief of the Wehrmacht Medical Service to coordinate that research in order to utilize the personnel and material to the best of advantage?

A In my opinion, in this case, the Chief of the Wehrmacht Medical Service, not in this case, but in any case, must examine each individual case to that effect because in the field of research very often many paths must be taken to come to a desired goal, and it is quite possible that it is even desirable for many people to work on the same problem because one never knows whether the path taken by one person will lead to the desired goal. I have said the same thing yesterday in a different direction. In all possible fields we have similar conditions from the international view point. Consider atomic research. Special favorable circumstances brought it about that a certain problem was solved in America, although, no doubt, a number of other countries were working on it also. It could be quite similar within one country in a certain field of research.

Q And, if I understood you, it would be within the scope of the authority of the Chief of the Medical Service of the Wehrmacht to coordinate and direct medical research, if such coordination and directions were necessary; is that true?

A Yes, if it proved necessary and if he is confined to that effect, he will be able to reach a decision. He would presumably sit down at a round table and discuss the thing first. One cannot act impetuously in scientific matters.

MR. HARRY: I have no further questions, Your Honor.

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A Yes, if it proved necessary and if he is concerned to that effect, he will be able to reach a decision. He would presumably sit down at a round table and discuss the thing first. You cannot act impulsively in scientific matters.

MR. HARRY: I have no further questions, Your Honor.

REDIRECT EXAMINATION

BY DR. NEASE:

Q The examination yesterday, by the presiding Judge, given me an occasion to ask you a few more questions because it seems to me that certain military directions of the Medical Service are not quite clear. The defendant Handloser, as Chief of the Wehrmacht Medical Service, was doubtless the highest medical officer in the Wehrmacht.

A Yes.

Q Then, Prosecution said that he may possibly have failed to exercise his duty, his duty of supervision; for this reason I must ask you, did Professor Handloser, as Chief of the Wehrmacht Medical Service, have such a supervisory duty of all medical officers of the various branches of the Wehrmacht?

A There can be no doubt that such a right and such a duty did not exist because in the service regulation there was nothing whatever said about this. The regulation would have been made to say that. For example, I remember some regulations in which, for example, in such cases it says he directs and supervises, this expression "and supervises" is lacking in the service regulation of 1944, and was certainly not in the regulation of 1942 either.

DR. NEASE: Mr. President, in my document book 3, under HA-50, page 31, I have a copy from the Army Service Regulation 21, the title is "The Leading Medical Officers at Army Headquarters of the Field Army"; I believe that this excerpt can help you in determining the authority and interpreting the terms which will be important here.

Q Witness, you apparently mean the place in this regulation, "They direct and supervise the medical service within their sphere of service according to the orders of their Headquarters, and the official medical orders of their superior medical officers."

A That was the kind of example I was thinking of.

Q Now, however, that may be. One can understand the point of view of saying the highest medical officer of the Wehrmacht has a supervisory duty

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Court No. 1

even if not in the concrete sense. This results from his position, and I should like to know from you exactly what is the difference between the concrete supervision provided in the War Medical Regulations from the supervisory duties of the Chief of the Medical Service of the Wehrmacht. What must he do in order to fulfill his duty morally to be the highest Chief Medical Officer of the Wehrmacht?

A In this specific case, he could only ask for information from the medical Chiefs of the Army, Navy, Luftwaffe, and possibly of the Waffen-SS.

Q Witness, I ask for information. Is I have a particular reason for asking information, I want you to tell me what you would consider the duty of the chief of the Wehrmacht Medical Service, in order to supervise and to make sure that if something happens he will learn about it, what must he do?

A Under this regulation he really had no possibility of doing that. I will assume that in some way by coincidence he heard that at some place in the army or the Luftwaffe or the navy something had happened that he considered wrong or even punishable. Then under this regulation the only thing he can do is to go to the chief of the medical service of the army, the navy, or the Luftwaffe, and say, "In such and such a way I have learned that in such and such a place something objectionable has happened. Please investigate it."

Q If I tell you that in my opinion the chief medical officer has a moral duty to care for his medical corps as far as he can, then he will make use of safeguards in the form of organization in order to guarantee what he considers the ethical and the medical duty; is that so?

A Well, his ethical duty is a matter of course. All of us in the medical corps were trained to that effect, and it would never have occurred to us that anything could happen in that connection. One cannot suddenly issue an order: "I order that one may act only according to ethical points of view." One cannot order things which are a matter of course; and if it is only an individual case which comes to the attention of the chief medical officer, he would in this case have settled it in agreement with the medical officer concerned and consider it such an exception that it would not give occasion for issuing a general order. But one can, of course, say that only in a concrete, individual case.

Q Well, then we agree that to intervene one needs positive knowledge of an individual case, or for general intervention one needs knowledge of symptomatic cases?

A Yes, that's true.

Q Now, the question of responsibility is frequently brought in connection with the question of superiors, as you have heard here. I should like to ask you in connection with the question which the presiding judge asked yesterday to make clear what is a military troop order and what is a medical order.

A Military orders are all orders issued through military channels to the troops, and they are orders which affect the life of the troops.

Q Is there a military troop order in the medical service?

A Yes, that exists. I was just about to give an example. In combatting epidemics, if it is, for example, in the opinion of the chief medical officer necessary for all the troops to be vaccinated, then it is not the chief medical officer who orders the individual divisions, regiments, and so forth directly with his signature. He goes to the chief troop commander, that is, perhaps to the commander-in-chief of the army. If it is a Wehrmacht matter, he goes to the chief of the high command of the Wehrmacht. He explains to him for what reasons it is necessary to have the troops vaccinated against typhus or against dysentery; and he brings him a draft of an order which contains the necessary provisions; and this commander or chief of the high command signs this order on the letterhead of the chief of the high command of the Wehrmacht. Then it goes through channels from the high command to the subordinate commands, that is, army group commands; from there to the army high commands; from there to the corps commands; and from there to the divisions, and so forth; but always through purely military channels. The individual commander, for example, the commanding general of an army corps, passes this information on to the medical officer and his staff and consults this medical officer about measures to be taken within his corps. The order given to the individual divisions and regiments will be signed by the commanding general.

Now, in contrast to this there is the medical service, the medical service generals, a purely medical matter. For example, suppose a new and especially effective method of treatment for pneumonia has been discovered; it has been tested and its effectiveness has been proved; and medical ex-

perience in hospitals and clinics has shown that this method of treatment is a great step forward. Now, the medical chief wants to let his medical officers know about this. It is purely a medical matter, purely a technical matter. This he can sign himself on the letterhead of the chief of the Wehrmacht medical service or of the army medical inspector or chief of the medical service of the Luftwaffe or chief of the medical service of the navy. This goes directly to the medical officers in the headquarters. It does not go to the headquarters of the 25th army corps but to the corps physician of the 25th army corps. The corps physician then announces this new method of treatment to his medical officers so that they know that in treating their pneumonia patients they will have a better opportunity. That is a typical incident of the medical service generals. This difference was clearly expressed in the regulation that all questions or all orders affecting the troops as a whole in any form had to go through military channels. I believe that this is perhaps clear now.

Q Yes. I want to put perhaps a more concrete question. How about directives which were the result of the meetings of the consulting physicians to the medical officers or units? Were they orders or were they instructions or what were they?

A The directives which were distributed, or, rather, the contents of the directives which were distributed were not in the usual military sense orders but advice. But the thing is like this. The medical officers, upon receiving these printed directives, of course knew that they were based on well-considered discussions, for example, at the meetings of the consulting physicians, on the basis of experience which well-known professors and doctors had had, and the medical officers were thus given the latest progress in science and medical experience. Therefore, the medical officers were grateful for it, and in the great majority of cases they no doubt acted according to these directives. That, of course, was the purpose.

For example, I myself as corps physician or army physician, when I asked medical officers at the front about such directives, had the experience that one or another said to me: "In this particular point I have a different

opinion." Then I said "All right, one might have a different opinion on this point; but I will send the consulting physician from my army." If it didn't happen to be my own special field -- I was a specialist for internal medicine; and it may be that the question was a surgical question -- then I saw to it that this particular officer talked to the recognized representative, the specialist, and discussed the matter; and then he voluntarily accepted the result of greater experience.

Q Now, I'd like to ask one more question which may be superfluous but which is necessary in order to clarify the matter. A medical officer, no matter how high his position, could never give an order to a military officer, no matter what his rank?

A That was expressly forbidden.

Q On the other hand, the medical officer in all things, even medical things which affected the troops, the soldiers as such, would submit his order to the military commander and have it issued by him?

A Yes.

Q Now, a final question. Will you please tell the Tribunal the difference between a higher superior and a direct superior? The prosecution holds the point of view that if someone is a higher superior, a specialized, technical superior, he is the superior of everyone under him in the hierarchy. Is that true?

A As you indicated, there is a distinction made between the immediate superior and the higher superior. If I specify supervisory authority, the immediate superior has supervisory authority over the field in which the medical officer is working. For example, a medical officer in a hospital is supervised first by his section physician, and he by the chief physician. It is, of course, possible for the chief physician to supervise both; but over him again is the divisional physician, who may inspect this hospital from time to time and thus exercise supervision. Above the divisional physician is the corps physician, the army physician, and the group physician, and above him the army medical inspector.

Now, if the army medical inspector makes an inspection and finds some objection, he will, of course, intervene directly; and the immediate superiors will be present. But if, for example, he is working in his office in Berlin and he hears accidentally that in the post hospital in Stuttgart something is said to have happened which he does not think is right, assuming peace conditions, he will turn to the corps physician. He will write to him: "I have learned that in the Stuttgart hospital this certain matter has happened. Please investigate it and report to me." Need I add anything to that?

Q If I have understood you correctly, supervision was in charge of the immediate supervisor?

A Yes.

Q It is not so that the supervision was connected with every superior over everyone subordinate to him in rank? The supreme superior has supervision over everyone directly under him; he has to see to it that these people are in order. They have supervision over the next category and have to see that that is kept in order and the higher officer must intervene if he hears anything from anywhere, but he can do this only through the immediate supervisor, that is, the Chief of the Wehrmacht Medical Service, through the Luftwaffe, Army or Navy Chiefs?

A Well, there is perhaps a little difference between the Army Medical Inspector and the Chief of the Wehrmacht Medical Service. The Army Medical Inspector could, of course, in exceptional cases, if he learned of something, inquire directly, but it was customary that the answer went back through channels, that is, through the immediate superior of the person who was said to have done something wrong, or the immediate superior got a copy; at least they were always informed about it and not eliminated from the whole matter. And you no doubt understood correctly that in general the Army Group Physician was responsible to the Army Medical Inspector and the Corps Physician or Army Physician was responsible to the Army Group Physician. But it was a little different with the Chief of the Wehrmacht Medical Service. The Army Medical Inspector, the Chief of the Medical Service of the Luftwaffe and the Chief of the Medical Service of the Navy were the superior officers of all their medical officers; but the Chief of the Wehrmacht Medical Service, according to the service regulation which we discussed yesterday, was not a superior. In the case of the Chief of the Wehrmacht Medical Service there was no other way than to go to the Chief of the Medical Service of the Luftwaffe, or the Army Medical Inspector, etc. He was not superior. The medical chiefs in question of the individual groups would have resented it if the example which I just gave for the Army Medical Inspector, if he had done the same thing as Chief of the Wehrmacht Medical Service to the Army, the Navy,

or the Luftwaffe; they would certainly have written to him: "I recognize the necessity of this investigation but under the existing regulations we must ask that the investigation of this case be left to us." Consequently, official supervision, as such, within the medical services of the Army, the Navy, or the Luftwaffe, rested with the medical chiefs of these groups, not with the Chief of the Wehrmacht Medical Services. Have you understood me correctly?

Q Thank you.

DR. NELTE: I have no further questions to put to this witness.

BY JUDGE SEBRING:

Q In line with the explanations which you have just given, will you answer these questions? Let us assume that the evidence in this case is sufficient to prove that medical experiments on human beings were conducted on concentration camp inmates without their consent, resulting in death, and let us assume further that the evidence is sufficient to prove that such experiments were ordered or conducted by and for the benefit of one of the several branches of the Wehrmacht, from your knowledge what would have been General Handloser's responsibility for such experiments?

A Your Honor, do you assume that the Defendant Professor Handloser knew of these matters?

Q I am not making any assumption at all in that regard. You may consider the question either from the assumption, first, that General Handloser did know of them; secondly, from the point of view that he did not have actual knowledge, actual personal knowledge, but that memorandums or information in the matter passed through his office; or, thirdly, that he did not have personal information and that such memoranda did not pass through his office. I would like for you to explore that entire field upon the assumption, the postulate, that the Court has given you.

A. First of all I will assume that there was no knowledge that the Chief of the Wehrmacht Medical Service knew nothing about it, then there must have been someone who either ordered such experiments, or the person who conducted such experiments did them on his own initiative. In this connection, of course, in my opinion there can be no responsibility at all for the Chief of the Wehrmacht Medical Service. He can be responsible only for his orders. If he had ordered such and such experiments are to be conducted then he would be responsible for this order as such. If he did not order it but if he learned of it, then according to the situation, according to the regulation in effect he could not be held responsible for the execution of any such experiment as such, but ---

Q. Who would have been responsible?

A. The person who had official supervision over the field sphere where the experiments were carried out.

Q. Now, then let us suppose that such experiments had been ordered or conducted by the Waffen SS either for its own benefit or for the benefit of one of the several branches of the Wehrmacht, in such event who would have been responsible for the conduct of such experiments?

A. The person in the Waffen SS or the SS who had ordered the experiments would be responsible or if he did not order them, but learned about them and permitted them to be continued, although in his opinion they are inadmissible, it seems to me that the concept of responsibility is still valid. Something can happen somewhere for which the person concerned has supervision without his having ordered anything illegal, and then he knows it is necessary when he hears about it, to have the matter followed up, if he believes that something wrong is being done.

Q. Witness, according to the translator you referred to the regulations of 1942 and 1944 in connection with the duties of defendant Handloser, did you refer to the orders designating defendant Handloser to the two positions to which he was appointed in 1942 and 1944? That word was translated to us "regulations". Did you mean "regulations" or did you mean what it included, the duties assigned to defendant Handloser? Do you

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understand?

A. I would ask the interpreter to sum the question up again. (question was again translated in German). One must make a distinction between the order appointing him to the position, that is the order effective the 1st of September, 1942. The Army Medical Inspector is appointed Chief of the Wehrmacht Medical Service. That is an order about a personnel change. On the other hand, what I have called service regulations, Dienstvorschrift, these are service regulations issued for this individual case, and signed by Hitler in the case of the Fuehrer-erlasse, and the service regulations describe the duties and are signed by Field Marshall Keitel. These were regulations, not orders. We use the word "regulation" for an order, if you like, which defines the duties of an officer exactly or characterizes it in general, as was the case of this regulation of 1942.

Q. Your explanation clears the matter. I would like to ask you further what reports came to the office of the Chief of the Wehrmacht Medical Service, who reported to him regularly or specially?

A. The Chief of the Wehrmacht Medical Service received reports from the Medical Chief of the Army, Navy and Luftwaffe, and the units of the Waffen SS attached to the Wehrmacht and other units attached to the Wehrmacht for their sphere. Let us say the Army Medical Inspector or the Chief of the Medical Service of the Luftwaffe reported to the Chief of the Wehrmacht Medical Service about things which he wanted to know about medical matters in the Luftwaffe.

Q. You stated that when the Chief of the Wehrmacht Medical Service obtained knowledge of something that had happened and again when you said when he hears accidentally of something that would happen, how would he obtain knowledge or how might he hear accidentally of things that would happen; was there anyone whose duty it was to report to him, to give him knowledge and advise him and inform him of things that were happening other than the Chiefs of these services you have just mentioned?

A. In general there were no special officers who could have reported to him, but I shall assume that in some post the doctor in charge, -- there is a doctor in charge of a civilian hospital, during the war. He may at the same time be doing military service in the military hospital, and I will assume that on some occasion, at a meeting say, he has an opportunity to speak to the Medical Inspector of the Army, and to tell him he had a suggestion to make, whether in this or that field, one could not change something in the hospital. That was not the customary way, as in all Armed it was customary to report first to the immediate superior, but such cases may have happened now and then; or, for example one can imagine that someone quite outside the military sphere might complain about some incident, let us say the father of a patient who is in the hospital. The patient is a soldier. The father is a civilian, and has no connection with any military authorities. He visits his son in the hospital, and thinks he sees something wrong. This person is, of course, above if he does not prefer to go to the doctor in charge of the hospital or to the higher superior in that town, no one can prevent him from writing and complaining to the Medical Inspector. That is one way in which the Medical Inspector might learn of an incident outside the usual channels, and then after he learns of it he will send it to the next superior, or will say "please investigate this matter and report to me." Perhaps he may add, "please report to me in case something is wrong here what you have done about it."

Q. Would the officer who received that letter in the hospital be required to answer it; is that an order from the Chief Medical Inspector to that officer which the officer is bound to obey?

A. The Chief of the Wehrmacht Medical Service would not be able to do that. He could speak only to the Medical Chiefs of the Luftwaffe, the Navy, and so forth. He had no authority to issue orders.

THE PRESIDENT: Counsel may proceed. Is there any further questions?

DR. NELTE: No, Your Honor, please, but I should like to say the following: The witness spoke of the system of reports in answer to your

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questions yesterday. In December I made application to have the War Regulation for the Army, second part, submitted in evidence. This has not yet been possible, as the General Secretaries Office tells me. Here I have these written regulations, and if you agree I shall have these parts of these regulations copied and submitted which refer to the regular method of giving reports.

THE PRESIDENT: Hand the volume to the Tribunal for examination, if you please.

DR. NELTE: Such a regular reporting procedure did not exist for the Wehrmacht as a whole. As you see from the copy it is the War Medical Regulation for the Army.

THE PRESIDENT: Counsel may submit copies of that portion of the volume which he desires the Tribunal to consider, and the volume itself and these copies prepared should be deposited with the copies in the Office of the Secretary General.

DR. NELTE: I have no further questions to this witness.

THE PRESIDENT: I have one more question to the witness.

BY THE PRESIDENT:

Q. Now many persons comprised the staff of the Chief of the Wehrmacht Medical Service; how many persons were there under his direct command, just approximately?

A. In his staff?

Q. Yes.

A. I cannot give any exact information about that because from 1943 on I did not have any connection. I could not see conditions any more. I can only speak from my knowledge from the beginning of this development, at the beginning until I left. As far as I remember there was only the Chief of Staff and one Medical Officer from the Navy and a few clerical personnel, but there was no one else who was directly subordinate. In the beginning important work was given to offices of the Army, the Navy or the Luftwaffe, and as long as I was there the most important task was to

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coordinate personnel strength, and the available equipment. Lists were drawn up by the offices which the Chief of Staff had asked to do this work, and then were submitted to the Staff for final decision.

THE PRESIDENT: If there are no further questions to be propounded to the witness, the witness will be excused.

MR. HARDY: I have no further questions, Your Honor.

THE PRESIDENT: The witness may be excused.

(The witness is excused.)

DR. NELTE: Mr. President, the witnesses, General Schmidt Bruckner, the chief of staff of Professor Handloser, as Army Medical Inspector, Professor Iyer, head of the OMH Typhus Institute in Cracow, and third, Professor Kilian, are still missing.

Dr. Schmidt Bruecken has been requested since the 12th of December; however, Captain Rice of the General Secretary's office has told me it has not been possible to induce the English military authorities to release this witness, who is in the Muenster Camp in England, to come to Nuernberg. As soon as this witness appears, I should like to have him called. If there should be difficulties, I ask for the permission of the Tribunal to have an affidavit drawn up in the Muenster Camp.

THE PRESIDENT: If the witness appears in Nuernberg, he may be called at a later date in the Tribunal. If counsel desires to take a deposition of the witness on an interrogatory, have him file an affidavit and that may also be permitted when it is ready.

DR. NELTE: The second witness, Professor Iyer, as I have heard and as I have told the prosecution, is sick. With the approval of the Tribunal, I should like to obtain permission to ask the witness questions in the Eidlingerhausen Camp where he is at present. Yesterday I informed the prosecutor of this so that he would have the opportunity of appointing a representative in this case. I shall submit an affidavit.

The third witness, Professor Kilian, is in the Russian zone. He sent me a letter, or rather a telegram, which concerns the meeting of the consulting physicians. I believe that I can dispense with this witness since we are not well informed about these meetings.

Then I come to the end of my case by submission of a few documents. I believe that the Tribunal now has the third document book.

THE PRESIDENT: We have not seen it. Will you hand that to Dr. Nelte? Counsel, there are several documents in Books 1 and 2 which have not been offered in evidence. Is it your intention to offer these or are they to be abandoned?

DR. NELTE: Insofar as I have not offered them in evidence and will not do so now, I will let them drop. From Document Book No. 1 I have not offered HA 34. That is a memorandum of Reich Student Fuehrer Scheel, page 69. I shall submit this now. There is a supplement which I ask the General Secretary to see. Mr. President, the defendant Handloser ...

MR. MC HANEY: I understand that Dr. Nelte is offering Document HA-34 which is in Document Book 1. I should like to know the number of that.

THE PRESIDENT: It is page 69 of the document Book.

DR. NELTE: Yes, Document Book 1, page 69.

THE PRESIDENT: The document was incorrectly indexed.

DR. NELTE: The defendant Handloser on the witness stand spoke ...

THE PRESIDENT: Counsel, just a moment. I understand you are offering in evidence Document HA-34?

DR. NELTE: Yes.

THE PRESIDENT: Have you assigned a number to that exhibit?

DR. NELTE: Exhibit 40.

THE PRESIDENT: Proceed.

DR. NELTE: I do not intend to read this document. The defendant mentioned the attempt to have the student companies, the medical personnel, who are given leave to study medicine, the attempts to remove them from the authority of the Chief of the Wehrmacht Medical Service and put them under the political service. As evidence in support of this testimony I submit this document because the memorandum of the Reich Student Leader Dr. Scheel shows what opposition Handloser voiced and what differences there were in this field. The defendant Handloser during his examination also referred to the difficulties made for him by certain people that the Catholic nurses were to be kept in the hospitals. To prove the correctness of this statement and at the same time to illustrate the personality of the defendant, I will read from Document

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HA-39, Exhibit 49, Document Book 2, page 58. The Praelat Dr. Krautz, president of the German Charity Association Caritas, writes on page one of the letter of the 21st of January at the bottom:

"I therefore was pleased when Professor Dr. Handloser was called to head the Medical Inspectorate since I knew that he and his family are religious Catholics and that he in no way was inclined to hide that fact. I was not disappointed. His official environment made me realize soon that he not only felt very kindly toward the Catholic members of orders and to the nuns, but also that he gave them preference since they were nursing for religious grounds."

Then, at the bottom it says: "Later I was always able to notice that in the most important points of contact between the sisters and the doctors men were almost always used who heeded such last desires. I always was very grateful for that. I attribute this almost frictionless conduct of the war nursing service above all to the expressed supreme will of the Medical Inspector Professor Dr. Handloser. Without having had an opportunity to gain insight into his personal conduct, I was told repeatedly that Professor Handloser is a convinced Catholic and that he expressed that at every opportunity. Any heads of the orders, whose sisters were employed, told me that, in contrast to the continuous chicaneries which the NSDAP inflicted on the sisters and their headquarters, Professor Dr. Handloser was governed by professional ethics which revealed an inner greatness because it was based on lasting values."

"On the basis of my experience I consider it impossible that Professor Dr. Handloser could have adopted any steps or measures or admissions which were in conflict with his conscience and his professional ethics. Dr. Krutz, Procto."

Now, in connection with this document I must add that the Procto is an apostolic Protonotary; that he asked that his signature not be certified by a notary. I ask that in view of the origin of this letter this fact will not limit the value in evidence.

MR. McHANEY: The prosecution must object to this document and ask that the parts which Dr. Holte has read from it be stricken from the record. I would like to observe first that I would appreciate Dr. Holte's offering the document before he begins reading it. It is very difficult for the prosecution to make a sensible objection when he just refers to a document on a certain page of proceeds to read it without offering it and giving us an opportunity to

object.

I think this document is clearly inadmissible because it is not in the form of an affidavit; it is not sworn to, nor is there any statement on the part of the writer of the letter that he has any objection to making an oath. This is nothing but a letter in reply to one written by Dr. Nolte himself apparently. I certainly think it is inadmissible.

DR. NOLTE: Mr. President, Document Book 2 has been in the hands of the prosecution for one week. I did not call this letter an affidavit. I cannot call it an affidavit. According to Ordinance 7 the Tribunal can admit any document, even if it is not certified by a sworn statement. What value you assign to this, to the contents of this document is another question. I ask that this document be admitted as such.

THE PRESIDENT: The offered exhibit states that it is written in reply to a letter from Dr. Nolte of January 4. If Dr. Nolte would submit a copy of the letter which he wrote to Dr. Kreutz there would be before the Tribunal something upon which the Tribunal could rule. A letter in the form in which Document HA-39 is now before the Tribunal is clearly inadmissible, being merely a letter. If Dr. Nolte can submit a copy of the letter to which this is in answer, the Tribunal would then rule upon the admissibility of Document HA-39.

MR. McHANEY: I would ask the Tribunal to instruct Dr. Nolte henceforth to make his offer before reading the document.

THE PRESIDENT: Counsel, both for prosecution and defense, will follow the plan outlined now by counsel for the prosecution; that is, a document should be offered to the Tribunal by number, volume and page so that opposing counsel may have an opportunity to examine the document and refamiliarize himself with it before the document is begun to be read in the record.

DR. NOLTE: Mr. President --

THE PRESIDENT: Before proceeding further, the Tribunal will be in recess..

(Recess was taken.)

THE MARSHAL: The Tribunal is again in session.

MR. HARDY: May it please the Tribunal, in connection with the petition of Dr. Nolte to recall the witness Werflor or to submit an affidavit by the witness, the prosecution strenuously objects to any such procedure. We submit again that the witness was on the stand here, he was elaborately examined by defense counsel and was cross-examined by the prosecution. There was redirect examination by defense counsel, and he had ample opportunity to clarify any statements made on cross-examination.

I further suggest to the Tribunal that approval of any such procedure as this would tend to create a precedent that any witness who has been impeached, or might tend to have been impeached, could be recalled after consultation with the defense counsel, and it would go on forever. Therefore, the prosecution respectfully requests that this recalling of the witness Werflor or submission of his affidavit be disapproved.

INTERPRETER: Will the prosecutor please repeat the last sentence?

MR. HARDY: The prosecution respectfully requests that the recalling of the witness Werflor or the submission of an affidavit from this witness be disapproved.

THE PRESIDENT: The Tribunal understands the position of the counsel for the prosecution. It rules that counsel for the defendant Werflor may recall the witness Werflor for examination upon this one particular point. The witness, of course, will be subject to recross-examination by the prosecution. The weight of the testimony of the witness will be for the Tribunal to determine.

MR. McHENEY: In view of the Tribunal's ruling, unless the Tribunal itself wishes to hear the witness or unless there is any compelling reason on the part of defense counsel to have him appear personally, we will agree to the admission of the affidavit rather than take the necessary time of recalling him. I don't think we have

my questions to put to him.

THE PRESIDENT: Counsel for the defendant hereafter may either recall the witness or submit the affidavit, as he pleases.

DR. HELTE: Since this case has already taken up so much time, I believe that my presentation of the affidavit will be sufficient, especially since, as I have previously stated, the affidavit does not contain any new facts but is only an explanation of the facts to which the witness testified.

General Secretary, I have given you the German copy of this affidavit, and it has now been handed to the President. With the permission of the President, I shall now read this affidavit.

THE PRESIDENT: What number does counsel for the defendant assign to the affidavit?

DR. HELTE: I want to submit this affidavit as Document No. HL-55, and it will be exhibit -- In this case I must ask the President his. The statement by Prelate Dr. Kreutz was temporarily admitted as Exhibit 41, or is this exhibit to be withdrawn until I have also presented my letter?

THE PRESIDENT: Counsel may withhold the exhibit --

DR. HELTE (Interposing): No. I wanted to ask you to admit it temporarily, with the reservation that I shall subsequently present my letter also.

THE PRESIDENT: The Counsel may reserve the Exhibit until they are finally laid upon, and then assign them numbers.

DR. MELTZ: Very well, your Honor.

I am now submitting temporarily the letter of Dr. Kreutz as Exhibit 41, and the affidavit by Paul Wurfler will become Exhibit 42. Dr. Wurfler's statement is as follows:

"Today's questions of the Prosecutor, under the unusual circumstances of a cross examination, on the occurrence of 11.9.42 (Dr. Roscher's intended conference with the State Secretary) which was brought to my notice and slipped my memory, and on the difference between Raiberg's report and my collection left me no peace. The question constantly arose for me upon which the difference could be based, and I came to the following result.

"As I have stated, I was called by telephone from my strenuous work to a conference which was unknown to me and which had been ordered by the State Secretary. Precisely this circumstance that I was called by telephone, was, in my opinion, the possibility of clarification. It resulted from the fact that I was not invited. I was apparently informed because no representative of the Sanitary Inspectorate of the Luftwaffe was present. As soon as I could free myself, I drove from the office in Tempelhof to the Reich Air Ministry. As I know for certain that I did not see the film, I can only have arrived after the film had come to an end. The discussion, of which I spoke, covers Dr. Raiberg's exposition of the facts according to which Dr. Roscher refused to give me any information. As, for the reasons stated, I was in a hurry and I drove off shortly afterwards.

"I am ready to state this as a witness."

The affidavit is signed, "Paul Wurfler".

I now continue to present my documents. I am now coming to a letter, a certificate of the Chief of the Order of the Benedictines. I present this document because this man also did not want to have this statement certified because he assumed that his statement as a high official of the clergy would be sufficient. I do not know if the Tribunal will make the same ruling in this case as it did in the presentation of the letter by Dr. Kreutz.

In that case, I would withdraw the presentation at this time, and I would submit it at the same time with my initial letter, at a later period of time.

MR. MC HANEY: The Prosecution offers the same objection to this document. I also state now in order that there will be no element of surprise, that we will raise the same objection on the presentation of whatever letters Dr. Helte may there have written from these people. I do not think that the Tribunal should make the praxis here so liberal that we can engage in some sort of mail order business for evidence here. The Prosecution has on several occasions presented documents which were certainly in much better form than this and they were rejected, and I refer particularly to three statements obtained by the duly constituted police officials in Austria. As a result which the Prosecution had to go to a great deal of trouble and effort to secure oaths to these statements. I think, in view of the liberal ruling of the Tribunal, with respect to the defendant's affidavits, that this procedure should be followed and that the letters should not be admitted.

DR. NIEBE: May it please the Tribunal, I want to state briefly that these are certificates of a special kind. I understand that the Apostolic Secretary is a notary in the official position with the Catholic Church, and maintains the point of view that he has the same authority as any other notary to make certain records, and that he believes that they will have an official character which a letter will also have in a private character. I only want to point out this again that the Prior of the Abbey Maria Laach has this authority. The same applies to the Prior of Abbey Maria Laach.

THE PRESIDENT: The Tribunal is of the opinion that the Exhibit, the letter from the Apostolic Secretary is not admissible in the present form; that it should either be made as a statement in lieu of the oath or properly verified and sworn to before some person with authority to administer an oath. The mere fact that a person has authority to swear somebody else, to administer an oath, does not confer upon that person authority to administer an oath to himself. So, the Tribunal rules that these letters will not be admissible until prepared in proper form according to the rules of this Tribunal. The Counsel may offer them at some later date if they are presented to the Tribunal in a form that complies with the rules.

DR. MELTE: The defendant Handloser has been charged by the Prosecution on the basis of his organizational responsibilities. The Prosecution accuses Professor Handloser of having had knowledge of incidents which should have caused him to intervene. The defendant has denied having had such knowledge. With regard to this fact, the question is very important if you affirm the veracity of the defendant. I believe that he has proven his veracity on the witness stand. However, in order to support it and to strengthen it, I have to present several testimonies which give proof of the character of the defendant, of his attitude as a human being and a physician, so that you will see that the impression which he has won, and which he has explained to you, here on the witness stand, also corresponds to his attitude toward the world, and his previous behavior. In this connection, I present the affidavit by Professor Siogrand, which has been properly certified. It is one of the few documents which I will read in its entirety because it really gives a true picture of this man; a picture which is rarely given in such a manner by anybody. This is document HA 47. You will find it in document book Roman numeral III, on page 11, and I request that it be admitted as Exhibit 43.

"I --

THE PRESIDENT: (Interposing) Just a moment Counsel. I do not find that document indexed in document book III.

DR. MELTE: In the English document book there has been a typing mistake in it, it should read page 11 and not page 8. You will find it in the third part of the index, the affidavit of Professor Siogrand, dated 29 January 1947.

THE PRESIDENT: I misunderstood the Counsel. He is referring to document HA-47, is that correct?

DR. MELTE: Yes, it is document HA-47, an affidavit by Professor Siogrand.

THE PRESIDENT: I understood the Counsel to say HA-43.

DR. MELTE: This document HA-47 will become Exhibit 43.

JUDGE SEERIN: Doctor Melte, on page 11, the document is HA-48.

DR. MELTE: This is also a typing mistake in English and I want to correct it at this time. The original is HA-47.

THE PRESIDENT: There has been an error in this document and on the index also. We have it straightened out now and the Counsel may proceed.

DR. MELTE: I will read the affidavit.

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Copy 1

Exh. 39

Doc. HA 48

Pathological Institute

(21) Muenster (Westphalia)
Westring 17

Director: Professor Dr. H. SIEGMUND

For submission to the American Military Tribunal I in Nuernberg
~~=====~~

I, Professor Dr. med. Herbert Siegmund, depose herewith under oath the following facts, which are known to me from my own knowledge:

My name is Herbert Siegmund. I was born on 14 April 1892 in Rybnik, Upper Silesia, reside at present in Muenster, Stadtstrasse 17. I am a licensed physician and specialist for pathology; and since 1 August 1942 I have been a professor at the University of Muenster and director of the Pathological Institute, after having previously been professor and director of the Pathological Institute at the University of Kiel since 1 October 1935, and before that at the universities of Tuebingen and Cologne. I am chairman of the medical and dental examining board at the University of Muenster. At the same time I am the head of the working association for paradentosis research, an honorary member and honorary president of the A.I.A. Internationale (International Working Association for Paradentology with its seat in Geneva). Furthermore I am honorary member of various German and foreign scientific societies, especially the French working association and the Danish working association for paradentology, as well as the German Society for Dental, Mouth, and Jaw medicine.

I met Professor Dr. Handloser through my scientific work in the sphere of paradentology and my research on burns; as far as I remember it was in 1934 or 1935 in Stuttgart, where he was stationed on military service. At that time I repeatedly discussed with him scientific questions which revolved around the problem of paradentosis, heat stroke and sun-stroke.

Furthermore I repeatedly met him, after his transfer from Stuttgart at scientific meetings of German physicians and of German dentists, and I then got to know him more intimately and personally and as a human being. During the war he was Army Physician of the Liszt Army, to which I was during that time attached as Consulting Pathologist to the Army Physician. During the position a warfare in the Eifel in the autumn and winter of 1939/40, as well as during the advance through France as far as Dijon, I was in constant touch with him on official duty as well as privately. When, after the end of the French campaign, the Liszt Army was transferred to Poland, I continued my work as Consulting Pathologist under Professor Handloser until he was transferred to the Army Medical Inspectorate. Later on I attended numerous meetings at which I kept meeting Prof. Handloser. After having become Rector of the University of Muenster, I met him repeatedly on official duty with regard to the training of medical officers and the transfer of the medical faculty of the University of Muenster to Bad Salzuffen. I know him very well, as a soldier and also as a physician and as a human being, and that for a period of approximately 12 years. He was an exemplary soldier. He was very strict in his demands on himself and his subordinates. He was an exemplary worker, excellent organizer, sparing in his recognitions, and just in his punishments. The medical units under his command, therefore, did exemplary work, during reconstruction and organizing in times of inactivity as well as during mobile and positional warfare. Professor Handloser always personally inspected the work of the medical formation under his command and never spared any trouble or trips in order to fulfil his duty.

Prof. Dr. Handloser had an excellent professional training in the branch of internal medicine at the University of Giessen. He therefore surpassed the majority of other active medical officers by his outstanding ability in the entire sphere of medicine. His interests were in no way exclusively and mainly directed toward internal diseases, but he was also to a large degree and very successfully, interested in all questions of

war surgery and hygiene as well as in the health service of the troops. He personally undertook the scientific treatment of a group of trichinosis cases, the solving of which problem is to a high degree due to him. (Spring of 1914). He endeavored to put all results of medical science at the service of the wounded and sick as quickly as possible and consequently showed great interest in scientific work and endeavors. Thus at an early date he recognized the importance of dental illnesses for the troops, their efficient treatment and prophylaxis and therefore took an active part in the work of the Working Association for Paradontosis Research. He was especially interested in the further training of his medical officers, always in the sense that as capable physicians as possible and as proved methods as possible be put at the service of the soldiers who were under his command and entrusted to him. During the positional war already he organized training courses for medical officers, during which all practical problems of medicine and medical service were discussed by outstanding experts. After the end of the French campaign he had his Consulting Medical Officers bring the medical and practical experiences of the physicians of the entire Army area to the knowledge of all physicians of the troops at a scientific meeting. He himself joined in the discussions and declined all half measures and all opinions and medical cures which had not been sufficiently proved.

He assisted the Consulting Physicians to a great extent in their responsible assignment. As Army Medical Inspector,

he was especially suitable because of his extensive medical knowledge, his acknowledged outstanding organizational talent, and his imperturbable strong personality. His appointment to this high position was generally welcomed. It also cannot be denied that under his supervision the Army Medical Service was much improved and that outstanding medical work was done in all theaters of operations. It is essentially due to him that during the Russian winter of 1941/42 incisive measures were ordered for preferential hospitalization and transportation of wounded soldiers and that the problem of freezing and of protection against cold was immediately investigated with all available means and forces. He was responsible for generous measures in connection with the diagnosing and combatting of typhus; he also gained the greatest and undeniable merits in combatting malaria, war nephritis, contagious jaundice, and other war epidemics. By establishing an Army Mountain Medical School he attacked the specialties of the medical care of mountain troops from the medical and scientific side; by creating a working association for the investigation of parodontal damage in the army, the meetings of which he directed himself as a rule, he sponsored extensive investigation on the increase of bleeding of the gums and tooth injuries which had occurred during the war in various theaters of operations. As Chief of the Wehrmacht Medical Service he took a special interest in the training and advanced training of medical students and the younger medical officers.

Repeatedly I have had occasion to discuss confidentially with Professor Dr. HANDELOSER questions of the medical training, of the fundamental attitude of the active medical officer, of the profession of medicine, and of medical research and science, I have seldom met a person filled by such a sense of duty and responsibility as Professor HANDELOSER. The same high requirements he asked of himself he also asked of the medical officer and of the physician. His supreme principle was always: never to do any harm. I still remember excited discussions on the introduction of sulfonamide prophylaxis for combat units, on the efficacy of a preserved blood or of other means of replacing blood, on the necessity of a prophylactic tetanus

vaccination in cases of burns and freezing, on the possibilities of a protective vaccination against typhus and typhoid fever. In all his speeches and discussions Professor HANDLOSER always demonstrated the highest ethical conception of the medical profession, which in the last analysis was borne out by his deep religious feeling. Professor HANDLOSER refused all uncertain and life-endangering investigations and experiments sharply. He repeatedly pointed out that his soldiers and human beings in general were no guinea-pigs, and permitted treatment only if he was convinced of its reliability and innocuousness. For instance, in connection with research on the pathological anatomy of hepatitis epidemica, he expressly prohibited liver puncture of jaundice patients which I had proposed in order to obtain a diagnosis and scientific research on this disease in my field of duties of the southern armies. I consider it absolutely unthinkable that he approved or ordered experiments on political prisoners or prisoners of war. His respect for the human body went so far that he even considered autopsies, which I had to conduct and to supervise as consulting pathologist, justified only in the strictest scientific spirit and under the most urgent military necessity. In speeches he repeatedly called the attention of the medical officers to the importance of the valuable human material which was entrusted to them in the treatment of the sick and wounded. It is probably known only to a very few people that one of Professor HANDLOSER's most essential characteristics is his profound religiosity. In spite of his optimistic attitude toward life he has devoted much attention to metaphysical problems and condemned most decisively the intolerance of National Socialism toward the religious communities. It is known to me that his appointment to the position of Army Medical Inspector as well as to that of Chief of the Wehrmacht Medical Service was rendered much more difficult because of his never denied membership in the Catholic Church and his faith and that especially certain circles of the highest SS leadership made great difficulties for him even during his period in office. In spite of his high position, Professor HANDLOSER was by no means persona grata with the

supreme command of the Army and with the High Command of the Wehrmacht. He was absolutely opposed to the ideology of National Socialism. To his closest friends he voiced considerable objections to the leadership of the state and the war and to leading personalities (as far as his high official position could permit him at all to talk about such matters); For his part, he always did all he could to correct unscientific and unexpert actions. He was an exemplary Army Physician and Army Medical Inspector, to whom the German soldier and the wounded or sick enemy owes the greatest gratitude. As much as he was feared because of his strictness, he was esteemed by the whole medical officers' corps because of his objectivity and justice.

I am not related to Professor HANLOSER, either by blood or marriage, and I am in no way obligated to him on account of personal advantages.

I esteem him as a man of honor and a zealous German soldier and a critical scientist.

"I have been confirmed in my position as professor of the University of Munster by ordinance of the Military Government of 9 October 1945 and re-nazified by all German committees."

I request that this document be admitted as Exhibit 43.

A picture of the character of the Defendant Handloser as medical officer and human being is given by Document HA-41, located on page 62 of Document Book II, which I now offer as Exhibit 44. It is an affidavit of Generalarzt Dr. Jaekel who has been very close to the Defendant for many years. I do not want to read this document but I request that it be admitted as Exhibit 44 and that it be included in the record.

May I continue?

THE PRESIDENT: Continue.

DR. WELTE: The next document is Document HA-45 on page 68 of Document Book II. It is an affidavit by 20 general physicians (Generalarzt) of all branches of the Wehrmacht. It is testimony by all these physicians in the highest positions of the medical service of the Chief of the Medical Services, Handloser. I am offering this document as Exhibit 45, without wanting to read it.

I am further offering the affidavit by the well known Generalarzt Haller, who was Chief of the General Staff of the Army and a superior to the Defendant Handloser, dated 1 February 1947. This document HA-54 in the supplement of today - HA-54. I only want to present this document as evidence. Also the affidavit of General Field Marshal List

THE PRESIDENT: Document HA-54 would be Handloser Exhibit 45-46, which?

DR. WELTE: It would be Exhibit 46. The affidavit of General Field Marshal List, HA-53, Document Book III, on page 33, will become Exhibit 47.

THE PRESIDENT: Please give the Tribunal the number of that document again.

DR. HELTE: It is Document HA-53, on page 33 of Document Book III. It will become Exhibit 47.

The affidavit by Dr. Drexler is a remarkable affidavit. It is located on page 47 in Document Book II. It is Document HA-33....

THE PRESIDENT: Counsel, you are proceeding a little too fast. We have not succeeded in numbering our documents yet, due to the fact that the last document mentioned was neither indexed or paged. The last we have is your Exhibit 47, HA-53. Will you give us again the next number of your next exhibit -- the number of your next exhibit?

DR. HELTE: It will be Exhibit 47. May it please the Tribunal, this is Document HA-53, which will become Exhibit 47.

THE PRESIDENT: We have that, counsel.

DR. HELTE: When I said that the next document is a remarkable affidavit. It is a letter which was not addressed to me ...

THE PRESIDENT: Counsel, if you will in the first instance when producing an exhibit, give us the number and the page, the document number and the document book, we can then find that document immediately before you proceed to describe it, which will be an advantage to the Tribunal.

DR. HELTE: It is Document HA-33 in Document Book II, page 47, and it is to become Exhibit 48. The document is a letter which Dr. Drexler sent to the wife of the defendant Hanelloser and she passed on this letter to me and I requested Dr. Drexler to have this letter certified and I am now presenting it in this form to the Tribunal. I do not want to touch the personal matters in this letter but I only want to present the individual examples to you which are contained in this letter in order to clarify the personality of Hanelloser. Starting on the bottom of the second page of the document you will find the following statement:

His attitude toward the former enemy is shown by small things:

"1) , In Poland and France, as Generaloberstabsarzt, he was satisfied with inferior quarters. In both countries he refused to let Poles or Frenchmen be put out of their apartments or houses if he lived in the house. In Basancourt, for example, he did not even permit an unused bed to be brought from the next house so that the entire staff of the army physician (Armeearzt) could be billeted in one empty house.

"2), When, in the campaign in the West, 3 American nurses were captured with a French medical unit, it was thanks to his efforts that these nurses were immediately sent to Switzerland.

"3), In the French hospitals he saw to it that German medical supplies were made available to the French wounded. In order to aid the French doctors in the French army hospitals, and in order to guarantee the best possible care for the wounded, he sent, after personal inspection, his subordinate 'consulting Physicians' (university professors of surgery, internal medicine, hygiene, etc.) to the French hospitals and had them help and work there. If wounded prisoners of war were brought to German field hospitals, he did not have the patients separated according to friend or foe, but only according to the type and severity of the wound or the sickness."

I am presenting this document as Exhibit 48 and request that it be admitted.

I am now presenting some personal documents about the character

Professor Handloser. First of all, a statement by Dr. Helte. That is Document HA-36, on page 51 of Document Book II. I offer it as Exhibit 49 without reading it.

I then came to an affidavit by Dr. Stengels; that is Document HA-31, on page 44 of Document Book II. I offer this affidavit, which was taken before me, as Exhibit 50.

Mr. McHenry: The Prosecution objects to Document HA-31 on the ground that it was not sworn to before Dr. Helte. The statement was apparently written on the 1st of December 1946, and has a notation that "I recognize signature of Dr. Stengels and certify the contents of the affidavit" signed Dr. Helte, Broomberg, 3 January 1947. If I understand the ruling of the Tribunal with respect to defense affidavits, it requires that the affiant be administered an oath or make a statement in lieu of an oath before the defense attorney himself and in his presence, or before a notary public. That has not been done in this case.

Dr. Helte: May it please the Tribunal. This affidavit was received by me on 1 December 1946. Later on Dr. Stengels visited me in person and according to German law procedure, that is, in a case when a witness comes to us with a signed affidavit, I considered it sufficient and I think it corresponds to the requirements of the Tribunal, that I have had the signature of Dr. Stengels recognized and I have confirmed the contents of this affidavit. I believe that this affidavit meets the requirements of this Tribunal.

THE PRESIDENT: The Tribunal notes that the last line of the document reads "I have made this statement under oath." Does counsel state that the witness, in counsel's presence, affirmed that this statement was made under oath?

DR. HELTE: The witness has certified in front of me that this affidavit of 1 December 1946 was an affidavit under oath.

THE PRESIDENT: The document offered will be received in evidence. Will you please give the Tribunal again the number of the document--the exhibit number?

DR. HELTE: This is Document HA-31 and it is contained on page 44 of

Document Book II. It is offered as Exhibit 50.

THE PRESIDENT: The Exhibit is admitted in evidence. In view of the ruling of the Tribunal upon the letter from the protonotary, it is my understanding that HA Document No. 55 would now receive the permanent number HA Exhibit 42. If I remember correctly that number was left assigned to this document provisionally. Is that correct, counsel?

DR. MELTZ: That was Exhibit 41. It was the affidavit by the protonotary Dr. Kreutz. It was Document HA-39. It was Exhibit 41.

THE PRESIDENT: And the document offered this morning by the witness, Paul Kuerfler, has been assigned Handloser Exhibit 42?

DR. MELTZ: HA-55 is Exhibit 42.

THE PRESIDENT: That is my understanding. I wanted to be sure that was correct.

The Tribunal will now recess until 1:30 O'clock.

(A recess was taken until 1330 Hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 20 February 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunal is again in session.

DR. SAIDL (For the defendant Oberheuser): Mr. President, the defendant Dr. Oberheuser asks in view of her state of health to be allowed to remain away after the recess and a medical certificate will be submitted later.

THE PRESIDENT: The defendant Oberheuser may be excused from attendance in court after the afternoon recess. Counsel may proceed.

DR. WELTE (Counsel for the defendant Handloser): The next document in this connection is Document HA 30 in Document Book 2, page 43. This is the testimony of Professor Dr. Voit, director of the Medical Clinic in Mainz. This is an affidavit from a time when the ruling of the Tribunal about the form of such affidavits had not yet been issued. I have asked this Professor Dr. Voit to send me the formula which the Tribunal has requested for such affidavits and ask to submit this provisionally as Exhibit 51. The described formula will be submitted later.

MR. MC HANEY: It seems to me it might be preferable if Dr. Welte just submitted the document as a whole at a later date. In that way it will relieve us of the responsibility of checking back on these documents that have been admitted provisionally. I am afraid in some cases we might overlook some of these deficiencies and I would ask that the document be held without being offered until such time as it is in proper form.

DR. WELTE: I believe that I can assure Mr. McHaney that they will not be overlooked. I have noted down that there are four documents which require the new form. I point out expressly that this document corresponds to the formula which had been previously valid; that is, there is this delay only because a new ruling was made.

THE PRESIDENT: If I remember correctly, prosecution offered a number of documents in this manner. I think that counsel for the defendant may offer these provisionally with the record to be supplemented later. Counsel may proceed.

DR. NEUBER: Mr. President, I come to the conclusion. Finally, I refer to the personality of Dr. Handloser, to the affidavit of Generalarzt Penner, HA 6, Exhibit 26, as well as the affidavits of Colonel Dr. Von Erlach, HA 7, Exhibit 26, and Dr. Brunner, HA 46, Exhibit 27. In submitting the two latter exhibits I reserved the right to read the parts defined concerning the personality of Dr. Handloser later and, therefore, I ask permission now to read from the affidavit of the Swiss Colonel Dr. Von Erlach in Document Book 2, page 10, besides Dr. Brunner, Document Book 2, page 73.

The third question asked of Dr. Von Erlach was, "Do you know Professor Dr. Handloser personally? What is your opinion of his personal attitude of principle in questions concerning medical care for prisoners of war as a doctor, a soldier and a man?"

He answers, "I have the privilege personally to have known Generaloberstabsarzt Professor Dr. Handloser for a large number of years. His attitude of principle in the questions concerning medical care to be given prisoners of war as a doctor, soldier and man was absolutely correct. He required all German doctors of the armed forces to adopt a similarly correct attitude and he wished that the provisions of the Geneva Convention be observed strictly. It must be considered as a special merit on the part of Generaloberstabsarzt Professor Dr. Handloser that in the course of the war a special agreement could be made between the belligerents under which prisoners of war having contracted during their captivity stomach ulcers and duodenal ulcers ascertained by x-ray, as well as those having contracted pleuritis exsudative during captivity, were to be considered eligible for exchange.

"His great understanding as a doctor and as a man for the chronic and recurring illnesses of the prisoners of war impressed me again and again. In every personal interview with Generaloberstabsarzt Professor Dr. Handloser I have been able to satisfy myself of his noble mind, his high conception of the professional duty and responsibility to the prisoner of war, of his human understanding for the needs and sufferings of the prisoners of war, and of his always correct behavior."

And the last in this series is the answer of Colonel Dr. Brunner on page

73 of Document Book 2:

"I have known Generaloberstabsarzt Professor Dr. Handloser since 1941 as successor of Professor Dr. Waldmann's in his capacity as chief of the German Army Medical Inspectorate. When present in Berlin he always received the mixed physicians' commission in person and invited it for breakfast. For the last time I saw him at such an occasion around the end of 1942. He impressed me as a highly qualified physician and soldier and a good man. This opinion I expressed already in an earlier letter which I directed a month ago for the President of the Military Tribunal in Nuernberg, through the Military Attache of the US Army at Berne, Brigadier General E.R. Legge, to the supreme commander of the US Forces in Germany, General McNarney, to be forwarded by him. In accordance with the statements I made at that opportunity, I can only repeat here that Professor Dr. Handloser was seriously concerned with the fate of the PW's and that he had asked me to inform him about my observations and possible complaints in the PW camps in general and in the hospitals in particular. It was his position that we should interpret the regulations of the Geneva Convention of 1929 concerning the return of PW's as generously as possible and in dubious cases always in favor of the PW, as for instance in judging those people older than 40 years who were suffering of chronic diseases of the stomach and the intestinal tracts.

"I don't think that I, as a Swiss medical colonel and former physician of a division, should judge the qualification of the chief of the German Army Medical Inspectorate as a soldier. However, I do not doubt for a moment his high military qualities which were decisive for his responsible position. That he as a soldier was also concerned about questions of the medical care for the PW's is demonstrated by the above statements. There remains only the question how much time he had for this task on account of his various other duties.

"I recall Prof. Dr. Handloser as a man in the most favorable way and I regret deeply that at the end of his military career he is exposed to such physical and psychological strain. From entirely personal conversations with him I know his deep sympathy for our Swiss democracy, a fact which is not

surprising since he grew up in Constance, studied in Switzerland, is connected through family relations with our country and has spent some time there. He never concealed his feelings, just like Generalarzt Prof. Dr. Sauerbruch, the latter having done so even in public which resulted in his being prohibited to make further visits to Switzerland.

"I must be convinced that a man who, like Prof. Dr. Handloser, was so deeply impressed by our Swiss democracy and who made me, as its representative, feel that so deeply, respected our first democratic principle, that of human rights and human dignity, and that he acted accordingly.

"Therefore, I have gained the impression that Prof. Dr. Handloser is a good man and a good physician and I refuse to believe that the unheard-of cruelties performed in the PW camps were carried out with his knowledge and his approval."

It is possible that Prof. Brunner is mistaken in the last sentence. There was no question of prisoner of war camps here.

Mr. President, I ask that I may be allowed to reserve the right to submit various affidavits which have not yet been translated. It would be too long a delay if I were to read these affidavits which I have. I ask that I be allowed to submit later, first, an affidavit of Professor Dr. Wirth, who has been named by the Prosecution recently. This is not a witness whom we have called, but the prosecution has called him here in another connection, and we took advantage of the presence of Prof. Wirth in order to get his testimony on the question of the last experiments at the Military Medical Academy and the question of the significance of the meetings of the consulting specialists, and finally I asked him to express his opinion on the document concerning experiments in the Concentration Camp Neuengamme which was submitted by the Prosecution where it is alleged that this was done at the suggestion of Prof. Wirth. If the Prosecution should wish Prof. Wirth to be called to the witness stand, this can be done. Prof. Wirth is in the prison here.

Then I ask that I be allowed to submit an affidavit of Prof. Loehe, director of the University of Dermatology in Berlin. That has not been translated yet, either. Also an affidavit of a Mr. Stoecklein who wrote a letter to me without my requesting it. This letter must be put into the form of an affidavit.

Finally, I have an affidavit in telegraphic form. Here again I must see that it is put into proper form. Finally, I have not yet received an answer to a questionnaire which I sent to the witness Dr. Balachovsky. It was sent to France about a month ago. This questionnaire has not yet been received. As soon as it is received I shall submit it to the Tribunal.

With this, for the time being, I conclude my case for the defendant Dr. Handloser.

THE PRESIDENT: Counsel for defendant Handloser may present these affidavits when they are in condition to be offered to the Tribunal. This

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morning counsel handed up another affidavit, HA Exh. 43, affidavit by Dr. Randerat. What does counsel desire to do with that affidavit?

DR. NELTE: This affidavit, Document HA 41, is Exhibit 43. I do not have the supplement here. Mr. President, what is the number, the HA number?

JUDGE SIEBRING: This morning you handed up to the bench two documents filed supplemental documents, Handloser. One of them was HA 43. The other document was HA 54. The Tribunal received Document HA 54 as Handloser Exhibit 46, but I do not recollect that HA 43 was ever tendered to the Tribunal for admission.

DR. NELTE: Document HA 43 is Exhibit 32. There was no English translation yet at that time, and you accepted it provisionally until the English translation was made.

DR. FRIBILLA (Counsel for the Defendant Rostock): With the permission of the Tribunal I call the defendant Prof. Paul Rostock to the witness stand.

PAUL ROSTOCK, a witness, took the stand and testified as follows:

JUDGE SIEBRING: Hold up your right hand and be sworn:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SIEBRING: You may be seated.

DIRECT EXAMINATION

BY DR. FRIBILLA:

Q. What is your name?

A. My name is Paul Rostock.

Q. When were you born?

A. I was born on the 18th of January, 1892 at Kranz, a district of Meseritz.

Q. Please tell the Tribunal about your career, briefly.

A. I grew up in Pommern in the country. My older brother became a farmer. I studied medicine at Greifswald and Jena. In April 1942 I took

my state examination at Jena and subsequently became doctor of medicine. That was in the year 1922. Immediately afterwards I became assistant at the Surgical University Clinic at Jena under Prof. Gulicke, and I remained at the University Clinic in my capacity as assistant until the end of 1927. Subsequently I became Oberarzt, senior physician, at the surgical department of the hospital at Bochum under Prof. Magnus. During these years I primarily occupied myself with injuries sustained in mining.

Prof. Magnus in the autumn of 1933 was called to Berlin. I went with him as Oberarzt, as senior physician, to the surgical university clinic at Berlin, Ziegelstrasse. In the year 1936 I was appointed Professor of Surgery. When in the fall of 1936 Professor Magnus was called to Munich I became deputy director of the Surgical University Clinic. During this time, besides studying joint pathology I also occupied myself with meningitis, primarily with the description according to the books of the entire surgery. In the year 1941 I became regular professor of surgery at the University of Berlin and director of the Surgical University Clinic at Berlin, Ziegelstrasse, after I had been at that clinic for three years as Oberarzt, senior physician, and had been the deputy director there for five years. In the year 1942 I became dean of the medical faculty at the University of Berlin.

During the past war I was assigned to the army as consulting surgeon. During the Polish campaign I was not used, and during the French campaign I served with the 16th Army, later on at the hospital base at Paris. During the Russian campaign I was with the 6th Army for two months and a half. At certain intervals I was attached to the Medical University at Berlin. In the fall of '42 I became consultant surgeon with the Army Medical Inspectorate, and in the year 1944 I received the rank of Generalarzt of the Reserve. At the end of 1943, by request of Brandt, and besides my other activity I took over the direction of the Department for Science and Research with the General Commissioner for the Medical and Clinical Service.

Q. I have a question. You became Generalarzt of which branch of the Wehrmacht?

A. I became assistant of the Surgeon General of the Army.

DR. FRIBILLA: Mr. President, before I get into the technical part of my cross-examination I should like to submit some of my few documents which will explain to the Tribunal what is to be said.

First, I should like to read from Document Rostock No. 1. I should like to submit a chart which Professor Rostock himself prepared, which is to be Exhibit No. 1. This shows how the activities of Professor Rostock were distributed, divided according to years and percentage.

JUDGE SEBRING: Wait a minute. Mr. Secretary General, do you have another book? This is upside down and inside out. Counsel may proceed.

DR. FRIBILLA: I submit this Document No. 1, Exhibit No. 1.

Q. I ask you, Professor Rostock, to tell the Tribunal that you prepared it to the best of your knowledge?

A. I have made this graphic chart to the best of my knowledge and according to my conscience.

DR. FRIBILLA: Mr. President, I believe this chart speaks for itself and I need not explain it.

THE PRESIDENT: The chart may be admitted as Rostock Exhibit No. 1.

DR. FRIBILLA: As Document Rostock No. 2, Exhibit No. 2, I submit another chart. This chart is merely to show the time in which the experiments which are the subject of this trial were undertaken and the relation to Professor Rostock's activity during the War Years.

Q. I ask you to look at this chart once more and certify that you prepared it to the best of your knowledge.

A. I have also prepared this diagram in the last trials, on which are shown the activities which have been carried out and which have already been shown in Diagram No. 1, and the dates which are stated here in connection with the original experiments I have taken from the indictment. I have drawn a very thick black line around the experiments of which I am accused with special responsibility.

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Q. May I interrupt you, the Tribunal has photostatic copies. The heavy lines there are not black but white. Also your activity as Editor of the Central Journal of Surgery is not listed.

A. I can only say that I have prepared this diagram to the best of my knowledge in accordance with my conscience. I may add a word of explanation, it has already been said that the experiments surrounded by the heavy line are those which the indictment mentioned in connection with Professor Rostock.

DR. PRIBILLA: At the bottom of the year 1933-1944 you will find a ~~horizontal~~ dotted line. This is the beginning of Dr. Rostock's activity. Below that there is a horizontal solid line which is the beginning of the activity of the agency when it was no longer at Rostock's clinic, but in Woditz.

The Document Rostock No. 3, Exhibit No. 3, I submit as Fuehrer Order No. 1 in the first Nurnberg trial before the International Military Tribunal, which was submitted as document K-1. It is an order to all agencies obligating them to absolute secrecy. This order was posted in every office, whether it was a military or a civilian agency of the Reich. This order in particular shows that everyone was allowed to speak only about those things which had to be brought officially to the notice of the other person. This order is submitted to explain that this obligation of secrecy sometimes explains why agencies which collaborated very closely actually did not learn what work was being done in the other agency.

As Document Rostock No. 4, Exhibit No. 4, I submit an excerpt from the list of German surgeons. This is published in 1938.

THE PRESIDENT: Counsel, in regard to Rostock Exhibit No. 3, the document does not bear the date or approximate date when it was used, promulgated. It might be of interest to the Tribunal to know when that order was announced. You may supply that date later.

DR. PRIBILLA: Mr. President, I am told that it is about the 1st of May, 1940. I am sorry that I did not include this date, but it was not contained on the order itself, and I received the document as it was submitted in the International Trial.

MR. SEBRING: Doctor, can you state to the Tribunal whether or not that date is made to appear either by documentary evidence or by oral evidence given by any witness before the International Military Tribunal?

DR. PRIBILLA: I will endeavor to obtain this information. I admit frankly that I have not thought about it before, because I knew that it was a document which had been admitted in the first trial.

Now, as Document No. Rostock 4, Exhibit No. 4, I submit an excerpt from the list of German surgeons. This is a scientific publication in which all works in the Medical Field are contained which German professors had done at that time. The part of this list of German surgeons which deals with Rostock I have copied and had certified.

Since this lists only Professor Rostock's scientific writings up to about the middle of the year 1937, I have prepared a further list of his scientific publications from the middle of 1937 on.

BY DR. PRIBILLA:

Q. This Document No. 4, Exhibit No. 4, I submit to you, Professor Rostock, and I ask you to tell the Tribunal that you prepared it to the best of your knowledge. I am sorry, that is Document No. 5, Exhibit 5. Exhibit 4, Document 4 is the extract from the Register of Surgeons up to 1937. Document 5, Exhibit 5 is a list of publications from 1937 on.

A. The list of the publications of books under Roman I is complete. The list of the publications of journals I have had to prepare here without any documents and solely in accordance with my memory. It is quite possible that several items are missing here. The wording of the headings of the articles I have likewise prepared by memory and there may be some more differences in the words but not according to the entire matter.

Q. But on the whole you did it to the best of your knowledge?

A. I made them to the best of my knowledge.

DR. PRIBILLA: I believe I do not need to make any explanation about this, either. I submit this list in evidence of Rostock's scientific personality.

Q. Then I should like to ask you - did you later here in the prison, for example, do any further scientific work?

A. Yes, I continued to do that work. In the prison at Muerenberg I have completed a book on the compendium of surgery and I have also completed another book about lectures with regards to surgery. However, I was unable to add the pictures which are necessary for that book.

Q. Professor, were you a member of any medical scientific societies?

A. I was a member of the International Society of Hospitals, and I was a member of the Society of Natural Scientists and Physicians. I was a member of the German Surgical Society, the Berlin Society for Surgery, the Berlin Society for Natural Science, the German Society for Unterheilkunde, and the Accident and Insurance Society, and surgical societies in Berlin, Bochum and Jena.

Q. And did you yourself publish a scientific journal?

A. Ever since the year 1939 together with Professor Hagnus and after his death I have issued the Journal for Surgery as editor.

Q. Is that a journal which is well-known in scientific circles?

A. It is the oldest German surgical journal with the largest number of publications.

Q. Were you a member of the NSDAP?

A. Yes, since the year 1938 or '39.

Q. Did you have any office in the Party or any of its branches?

A. No, I was only a nominal member.

Q. Please pause after the question so that the translators can keep up.

Why did you join the Party?

A. At that time it was obligatory to be a Party member and it was a prerequisite if I wanted to become a regular professor for surgery in a German university.

Q. In addition to that did you take any active part in politics?

A. No, I have never been active politically and politics do not

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generally interest me. Furthermore, my professional activity took so much of my time that I did not have any other spare time. In this connection I could perhaps quote a comparison which I read several days ago in the Spinne novel. It is stated there: "Science is a beautiful woman; it does not tolerate any other woman in the heart of its lover."

Q. Professor were you a member of the SA or of the SS?

A. No, I have never been a member.

Q. Professor Leibbrandt on the witness stand here told the Tribunal about the teachers' camps. Were you yourself trained in such a camp?

A. No, I was graduated according to the procedure which was followed prior to 1939. Therefore, at that time, I am a lecturer.

Q. Did you ever take part in a course at the medical school at Altrchse?

A. No.

Q. Did you ever teach at the Schelling camp at Altrchse?

A. No I did not do that either.

Q. You were head of the Surgical University Clinic in Berlin, Ziegel-Strasse, until the end?

A. Yes.

Q. Were you very busy there?

A. Already during the peacetime and then also after the war broke out I was very much occupied. The number of patients has already been named here which went through my Polyclinic. On the average there were about twenty thousand patients there annually. I had to direct this polyclinic and the clinic, and, of course, I personally had to carry out a large number of operations. In addition to this I pursued my scientific activity with lectures and also by giving State examinations, physicians' examinations, etc. as other occupations. With the beginning of the air attacks on Berlin, a considerable amount of time was taken from me, and even since that time I have slept at the clinic in order to be able to be present there at all times.

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Q. During the war you were also a consulting surgeon in the Army Medical Inspectate. Please describe your activity there to the Tribunal.

A. First of all, I had to consult with the inspector and members of his staff with single surgical questions. I further had to deal with the reports which arrived from home and the front-line hospitals. I had to look them over and I had to give an evaluation of them, and the most important items were summarized of these reports every six to eight weeks, and they were then sent to the Army Physician and the Army Corps Area Physician. I further had to prepare the collection of material for scientific work about the medical experiences during the war which was to be written after the war, and this work was also carried out to a considerable extent.

Q Well, when you were the consultant surgeon, what was your task as to attending the meetings?

A Yes, I participated in the conferences.

Q The meetings what was called "consultant meetings" which were mentioned even here, who called these meetings?

A These conferences were called by the Army Medical Inspector; later on by the Medical Inspector of the Wehrmacht.

Q Did you yourself have anything to do with the preparing for these meetings?

A No, I had nothing to do with it. The preparations were handled by a so-called working staff, which was composed of several members of the Department for Science and Health in the Army Medical Inspectorate. I believe that previously Dr. Handloser stated that more in detail.

Q I shall like to ask you, were you one of the many consultant surgeons, or did you have any special position among these other surgeons?

A No, a large number of consultant surgeons participated, and the number of participants in a conference were between three hundred and four-hundred people.

Q It is said that a section of the Army Medical Inspectorate prepared for these meetings. Who was the head of this section?

A That was Generalarzt -- Generaloberstabsarzt Schreiber.

Q How were such meetings, what was such a meeting like?

A First of all a common conference took place in a big room of the Military Academy, and then the participants were separated into various individual groups, and then they went to other smaller rooms, and at their conference they would assemble, the internists, the hygienists, the surgeons, and the pharmacologists, in the end another common conference took place in the big meeting room.

Q You just said that you did not have any especially high position among the various consulting surgeons. Could you tell me in a quiet way if at the meeting in May 1943 you were a chairman in a specialized group for surgery?

A The presidents of those specialists groups were always the consulting hygienists, or surgeons of these specialists groups. That since during that when I was consulting surgeon of the Army Medical Inspectorate, I was charged with the direction of the specialists' group for surgery.

Q If I understand you correctly, the chairmanship was changed at every meeting, and among what persons would it fluctuate?

A As long as it was an Army conference, and I believe that was so up to the year of 1942, that was the consulting surgeon of the Army Medical Inspectorate, and afterwards then it became the Wehrmacht conference, and the consultant surgeons of the Army, Navy and the Luftwaffe changed. The Navy did not have any consulting surgeon in the branch.

Q Then this meeting in 1943 was a Wehrmacht meeting?

A Yes, that was already a Wehrmacht conference.

Q And if I understand you correctly, it was a coincidence that you accepted for the Army, and happened to be the chairman?

A Yes.

Q Of these reports from the lectures held in the specialists groups for surgery, were you notified of them because you were the chairman?

A No, I have already stated that the working staff were informed of the lectures that were to be given, and this working staff also compiled this program for the conference, which was very extensive. The working staff also received the manuscript of the reports by the consulting surgeons and physicians, and it also compiled a printed report, as they have been pre-

ated here by the Prosecution in the form of these green books.

Q. Did you personally know the subject before the meeting, and did he go to report on self-experiments, about what he was going to report on?

A. I naturally read it from the program that he would give a lecture, which already distributed two weeks ahead of time. Now I did not know a thing what was going to deal with in this lecture, that is why the common procedure in scientific meetings.

Q. After the speech did you receive the manuscript which Professor Gohhardt turned in?

A. No, I never received the manuscript. It was sent to the working staff. The chairman of these specialists groups only had the task to make out the notices as to the discussions which were taking place.

Q. And to whom did they turn over any of these notes?

A. They also went to the working staff. They were also responsible afterwards for these printed reports.

Q. Please say again, where was the working staff and who was in charge of it?

A. The working staff was located in the Medical -- Army Medical Inspectorate. Its director was Generalarzt Schreiber, who was assisted by members of his department.

Q. At the meeting in 1943, did you yourself hear Professor Gohhardt's speech?

A. Yes, I heard it personally.

Q. What did you think, when you heard Professor Gohhardt's speech about the killing and the execution?

A. Professor Gohhardt said the following: That the experiments were carried out on people who had been sentenced to death, and who were granted a pardon. Then he further stated that the legal aspect of this matter had been decided on, and, that, therefore, discussion on the matter was not necessary. If I reckon right, in

...to the experiments I have carried out in the
laboratory. I certainly did not mention the name of Dr. Mengele,
because until I came to Germany I did not even know his
name. I am quite certain he did not say that Polish women
were involved. I heard that for the first time here in the course of
preliminary examination.

Q. After this speech, or during the speech, when you heard what
I have just stated, what did you ---

A. Yes, I heard that. I have tried to place myself into the
situation of a person who has been condemned to death, and I have
told myself that in such a situation, if I had been given a
chance to die in the hospital, or in prison, or, that if I had
been given an artificial infection with syphilis,
I would have been very glad to have such a chance.

Q. Now you have taken this into consideration ---

A. YES, YOUR HONOR: If you honor, please, the question of Mr. Prillman
has not fully translated what his response was given, and I
want to state that I want to state that this witness
witnessed a just record of the conduct of Dr. Mengele's
speech in May 1943, or, that he is now giving a statement
justification.

THE PROSECUTOR: Now, it is not clear through the other. Sup-
pose you repeat it -- now say your question. The purpose of the
trial is not at the entire translation.

THE COURT: ---

THE PROSECUTOR: I should like to ask you whether you would like to
ask these questions?

THE COURT: This could be asked at this time. Shall I repeat it
to the witness?

THE PROSECUTOR: If satisfactory to both counsel the Tribunal
will. Counsel may proceed.

BY DR. PRIBILLA:

Q. That was what you said at that time. Well, did you talk to other people about it at the time, and, did this speech and those facts attract special attention?

A. No. I have not discussed that subject with anybody, and the professors did not draw any particular attention to it, as the subject of sulfanilamide was discussed not only solely in connection with the lecture of Goldblatt, but at the time about four or five lectures were given on the subject, and about six or seven people discussed this whole complex question.

Q. Now I must ask you, how do you explain the fact that this speech did not attract special attention. Was the manner of presentation such that it was not very noticeable, or what; or, what was the explanation that you had?

A. In his introductory speech, Gebhardt stated the same thing that plays a part here in the trial, namely the jurist basis of the whole matter, that this had been approved by prominent jurist agencies so that we did not have any cause to discuss this problem at all.

Q. And you did not get any reaction from among the other professors present?

A. Nobody discussed this aspect of the question with me; of course we had discussed in detail the effects of sulfanilamide.

Q. Had you yourself personally dealt with sulfanilamide scientifically?

A. That of course is only natural, because at the time the sulfanilamide problem was the problem of the theoretical practical war surgeons and in the previous year, I myself had given a lecture in which I referred to the questions which still had not been verified and of which there was still a large number.

Q. Did you yourself have the intention of working in the field of sulfanilamide?

A. Yes. In the lecture, which I have just mentioned, I stated that I myself would have examinations made at my clinic of certain pre-requisites for that could be filled. At the time, I stated that the effect of the sulfanilamide appeared especially important to me in the basic research, because we had a very large number of disinfection medicines, but all if they were not sufficient in order to prevent an infection of the wounds. The sulfanilamide seemed to show a new way to us, however, it possibly would be going too much into detail if we discussed this any further here.

Q. As you are speaking of that time, you mean your speech in 1942?

A. Yes, that was in 1942.

Q. I should like to ask you to tell the Tribunal how you intended to carry out this work; was that mentioned in this speech, or perhaps you can state it briefly.

A. I had the following idea, that with the wounds of soldiers, who had been injured and that those daily injuries which took place in the

larger cities, that I myself wanted to observe it chemically. That furthermore the physiological examinations should be carried out on the wounds, that also examination of the blood and urine should be carried out with regards to quality as well as quantity. They were usually carried out in the healing of wounds.

Q. Did you actually carry out this work?

A. No, in order to be able to place these examinations on a very broad basis, I required a psychologist, a chemist or pharmacist and also a bacteriologist, however, these people were not furnished to me by the Wehrmacht. The transfer of injured soldiers to my clinic failed for purely formal reasons.

Q. If you had these conditions in 1942 and made this speech at the meeting; do you believe that the experiments of Professor Gebhardt, which he reported on in 1943, might have been instigated by your speech in 1942?

A. No, I do not believe that. I have already stated that sulfanilamide problems occupied most all of the physicians at that time, not only the surgeons, but also all the other branches of medicine. In the year 1942 I was not the only one to speak, but also four or five other surgeons discussed the same subject, also a neurologist spoke. Like explanations were given by a bacteriologist and a pharmacist. Several of the people there were very enthusiastic about the effects of sulfanilamide and they called it a "wonder drug", however, there were several people who were more reserved.

Q. Do you remember any names of other surgeons who reported or spoke about sulfanilamide at the same meeting as you? I beg your pardon, I understand that other surgeons spoke in addition to you?

A. Yes, surgeons. I am quite sure that Sauerbruch also spoke, Kilian, Krueger, Wachsuth and I believe Pfriemdt also spoke.

Q. Were they all consulting surgeons?

A. Yes, all of them were consulting surgeons.

Q. Now I sum up. One cannot say that your speech brought up the problem for the first time and thus caused the experiments?

A. No, the problem itself had already existed for several years. I cannot tell you exactly any more when it was publicized for the first time and that may have been five or six years later. I have further stated that all those who occupied themselves with it at that time, and especially Dr. Gebhardt, tried to find a solution through their own way.

Q. You said before that your planned investigations were not realized; did you no longer work in this field or did you do anything more?

A. Of course sulfanilamide was used in my clinic. Furthermore, in my capacity as consulting surgeon with the Army Medical Inspectorate I also pointed out the importance of this matter and suggested that several research troops, under the guidance of particularly qualified surgeons, well equipped with personnel and medicine, also with laboratory equipment, should be sent to the front line hospitals and they should there study the effects on wounds, which had been inflicted in the course of combat. Accordingly, two such troops were established under Professors Hellner and Koestler.

Q. Did you inform Professor Gebhardt of your efforts in the matter for sulfanilamide or rather in 1942 or 1943 was there any scientific or personal contact with Professor Gebhardt?

A. No, I did not inform him and we did not have any contact whatsoever about it.

Q. And on the other hand Professor Gebhardt did not give you any information about his efforts?

A. No, he did not do that.

Q. At this same meeting, which you attended as consulting surgeon, Professor Gebhardt and Dr. Koestler made a speech about operations on nerve injuries; was a similar announcement made in this case that they were human experiments?

A. No, not a word was mentioned about that.

Q. From what was said, would one have to draw any such conclusion?

A. No, that conclusion could not be drawn either.

Q. At the same meeting in 1943 at the gathering of hygienists, a speech was given by Dr. Ding about typhus; did you hear this speech and did you learn anything about it?

A. No, I did not hear this lecture because it took place simultaneously with the surgeon's lectures, but it was taking place in some other room and I naturally had to attend the surgical lectures.

DR. FRIBILLA: Mr. President, I have now concluded my questions referring to Professor Rostock's activities as consulting surgeon. Now I begin a new subject of his activities from the year of 1943 on and the subject for the section for science and research. If the President agrees, I will continue after the recess.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session. May it please your Honor the defendant Oberheuser, having been excused, is absent for the balance of this afternoon.

DR. FRIBILLA: Mr. President, I should like your indulgence; and I should like to call your attention again to Document 1, Exhibit 1. I was so brief in my examination that I should only like to refer once more to what section is coming now. I have finished my questions concerning the activity of Prof. Rostock in the years 1939, 1940, 1941, 1942, to the end of the year 1943; and now I am beginning with questions concerning the activity indicated by the small arrow in the middle at the bottom.

Q. Prof Rostock, you have known the defendant Karl Brandt for sometime?

A. I've known him ever since he was assistant at the hospital at Bochum.

Q. Did you have contact with Karl Brandt constantly during the war?

A. We saw each other on very rare occasions. He was located in the Fuehrer headquarters; and I was at the front with the army and also in Berlin.

Q. Were you informed about what he did during the war up to the end of 1943?

A. No.

Q. What do you know about the decree of the 28th of July, 1942, concerning the medical and health system? This is Document NO-080, Exhibit 5, of the prosecution.

A. From this decree I found out that there were difficulties with regard to medical material and also personnel; and of course it interested me to know that Karl Brandt had received an assignment in that respect.

Q. On the basis of the decree of 1942 did you take over any official activity for Karl Brandt?

A. No, I did not take over any official activities.

Q. Did you do any work for him unofficially?

A. Mr. Brandt has already stated here that he worked on the planning for the reconstruction of the Berlin University clinics and the medical institute. I was working on the establishment of special hospital facilities. These were evacuation hospitals for the bombed out cities. Then occasionally with regard to the establishment of these hospitals I was asked about these questions.

Furthermore, the limitations of production began around this period of time in regard to medical instruments, X-ray apparatus, medicines; and I was also asked questions in this respect on various occasions.

Q. But otherwise you did not know what Karl Brant was doing?

A. No.

Q. How did it happen that on the basis of the decree of the 5th of September 1943, this Document NO-081, Prosecution Exhibit 6, you were given work for Karl Brant?

A. After the decree had been issued he approached me with a request.

Q. What reasons influenced you in spite of the work which you already had to help him?

A. I had seen the shrinkage which constantly grew out of the research possibilities with regard to science and medicine. I had further seen the attempts which could be traced back to Goebbels, not only to involve the German medical profession in politics but also the entire medical science. I considered this a wrong development. In addition to this there were some especially acute problems. First of all, there were the attempts which also originated with Goebbels at the time in 1943, the fall, to close all the universities and medical faculties in Germany. We were able to prevent this at the very last minute.

Then I heard that the lecturing facilities for physicians and the research possibilities of the scientists were deteriorating more and more as a result of the fact that the medical press as well as the production of books with regard to scientific subjects and student training and text books became small and smaller. Finally I knew that lecturing for the German scientists about the experiences collected abroad had come to a complete standstill.

Q. You were already head of the Surgical Clinic, Generalarzt in the Army, Consulting Surgeon, Dean of the Medical Faculty at Berlin. If, in addition, you took over such a job for Commissioner General Brandt, was there not a certain ambition to be still more important in Germany?

A. There was no personal ambition involved as far as the scientific laboratory work was concerned. That did not cause me to occupy this position. I was trying to help German science in a time of emergency as it has rarely been open, as far as I was able to do that. I was trying to improve the knowledge which was available and to save it until such a time as peace would again be in existence. The sacrifice which I made at the time was perhaps greater than can generally be assumed. Afterwards it can perhaps be said that perhaps it would have been better if I had occupied myself with my own scientific work, and there was plenty of it, and which was destroyed in the last few days of the war. In the many years of my clinical activity I had collected a large amount of experience with regards to the pathology of the joints and this was to be compiled into a greater work. It consisted of an extensive study of literature, of case histories, x-ray charts, microscopic preparations and all this has now been burned and the book will never be written. However even if I did not succeed in everything which I was striving for in my position, I still believe that my activity has done some good because if, during the last few years of the war, ^{the} bases for research have not been completely destroyed and if not everything has been described as unimportant and has been destroyed and burned then I believe that I have played a certain part in this respect - namely, in preserving it. However, that I would ever be accused, on account of my activity, or that I would be exposed to such monstrous accusations, I have never even dreamed of that.

Q. At the beginning of your activity did you get a written statement from Brandt, or a notice of appointment, or anything like that?

A. Such a document was in existence. Today I cannot clearly say, under oath, if it was signed. Therefore I cannot answer you with yes or no. It is possible that it was not signed. I did not place any special emphasis on such administrative details.

Q. Did you have the impression that by the decree of September 1943 science and research in Germany was put under you?

A. No, not at all. Mr. Lammere has expressed the fact very clearly, in my opinion, that also in the field of science and research Brandt was only told to solve and to carry out special assignments, as it has also been stated in the decrees which have been mentioned here so often. Minister Lammere has likewise stated that it had not been intended to give Brandt such a leading top position. He further stated that his budget was purposely kept at a very low level and that for this reason alone it was not possible to carry out such an extensive activity. Perhaps I can explain this in the best way if I tell you how many collaborators I had. I had four medical students, who furthermore worked at the clinic, and I had about two or three clerks. That constituted my whole staff and I believe that this indicates clearly that with these five men, let us say, and three women, I could not exercise with this staff any large activity which was to extend over the whole medical field in Germany.

Q. You spoke of several decrees. I am correct that. At the moment we are dealing only with the decree of September 1943.

A. Yes, that is the one I am referring to.

Q. Now on the basis of this appointment and this decree what was your activity in effect? How did it begin and what did you deal with?

A. Aside from the beginning to where this acute problem of closing the schools of higher learning, I began in the autumn of 1943, in the office of my clinic with the help of some of my assistants and for the time being with one secretary, I began my work with regard to the whole scientific situation in Germany. This work made relatively little progress because I had a large number of other things to do also and the constant air raid alarms in Berlin also were not suitable to guarantee a continuity of the work. In order to carry out my work I obtained a list of personnel and literature of the university clinics and I had them evaluated by my collaborators. In this way I obtained a certain insight into the situation at the universities. However, it was much more difficult to find out if now the individual people were

actually working at their institutes at home or if they had been conscripted for military service and they were working abroad. Therefore, the insight was able to obtain was lacking in many respects. Of course no activity could be carried out in this field for the time being.

Q. Was anything changed when - I believe it was in February 1944 - you exercised this activity no longer in your clinic but in the office in Belitz near Berlin?

A. The work at Belitz was, of course, carried out much more slowly. On the other hand the separation of the clinic and the dean's office was very hampering, especially since the telephone connections failed rather frequently and so I had to drive to Berlin by car almost an hour every day and back.

Q. Please say in a little more detail what you actually did in this time; what your work was.

A. At the time I had the impression that special research was the main interest and that, of course, is understandable in times of war. Everyone was trying, as quickly as possible, to be able to achieve some special success, and they all wanted to be able to submit corresponding reports. This was done in particular by young, inexperienced men who were lacking the supervising eye and the guiding hand of an experienced chief. This development was seen to be very dangerous to us because without a sufficiently broad basis no research can be carried out for the duration. It must then lead to failures eventually. As a result of this, I directed my special attention directly to basic research and I tried to carry it on until the end of the war.

Q. Can you tell us the difference between basic research and special research?

A. This could perhaps be done best by means of an example. First of all from natural science and technic. The construction of an effective atom bomb is Zweckforschung, which is special research, research for the basis and the laws of the spontaneous combustion of the atoms and the arbitrary destruction of atoms, that is basic research. Take an example for medicine, research about the effect of a virus, and the changes which it affects in the body of animal and human beings, that is basic research; and the establishment of an effective vaccine against this virus and effective treatment of a disease, that is special research, Zweckforschung.

Q. And now with your work you tried to promote and maintain basic research.

A. Yes.

Q. How did you do that?

A. The first thing I did was that the individual scientists in certain fields were called to come in conferences, and I have organized these conferences quite systematically. For example, they took place as to the field of penicillin and the microscopic electronic, for example with the occasion of the last conference, which lasted two days, not only medical men gave lectures, but also chemists, physicists, scientists, textile specialists, biologicalists and all other specialized people. The purpose of such a conference was not to give special research assignments, but it was to give general ideas in these fields, and similar discussions were under preparation about research on the brain current, on the tissue cultures and Spore elements, and ultra sound.

Q. Perhaps I may interrupt for a moment. These difficult words, if I understand you correctly, express certain things which are necessary in every civilized state as a prerequisite for basis if any research work is to be done at all?

A. They were problems which not only in my opinion but also in the opinion of a large number of other people would probably play a rather important part in the future. But that was not the only thing, it was just as the general horizon was to be extended also the tools of the scientists had to

be maintained and improved and it succeeded, and I have already stated this previously, before, with regards to preserving medical literature and the production of books. Of course, at the time no scientific work was practically possible, and also informing German scientists about the results of research abroad. This was also in the early stages at the end of 1944.

Q. May I interrupt you for a moment, Professor; were all these things which were the prerequisites for research, were they endangered at that time, and would it have been very bad if all these things had been stopped?

A. The danger was very great. That was at a period of time when the literature and books were not printed any more in Germany, and we only succeeded because we were able to prove that the paper which was used for the medical journals -- there were still approximately 60 to 70 in Germany---that they used much less paper in the course of one month than the paper used by a single edition of a daily journal or newspaper, and perhaps it would be characteristic to point out that the medical decisions were not so decisive at that time than the War, the scientific termination as to the amount of paper used.

Q. Then that argument helped you better than the scientific argument?

A. Yes.

Q. Now, in the winter of 1943 and 1944 did this activity to preserve basic research take up very much of your time?

A. In this activity much of my time was used, still I could not deal with any specific tasks on the special research. I want to point out once more the number of my collaborators which I have mentioned previously, and my office was kept in such a modest frame and with such a limited budget that I had to limit myself to the task question which I have mentioned.

here. I further more know myself that special research was already being furthered and supervised by other agencies, and that furthermore the necessities of the war were limited to a certain number.

Q. In the chart, Exhibit No. 1, you described the proportion of your activity for the Reich Commissioner; you kept it more or less even. You say here it was about 15 per cent of your daily work; was it not so that from time to time the activity was much greater or was it always as you have drawn it here, did your work in the clinic continue fully?

A. Of course the work in the clinic comes to a full extent. Of course, it has happened once in a while that I was unable to come to Berlin for several days, that I had some special work elsewhere. This description is for the average of a week, but you cannot concentrate that on one individual day.

Q. But, on the whole, it was like that?

A. Yes, on the whole it was like that.

Q. And you said that three or four of your assistants worked on these questions; does this chart refer to the activities of your assistants and did they also work at the clinic?

A. They also worked at the clinic, but on week days I was in Berlin almost every day and at least two or three of my men stayed in Berlin, but they returned in the evening.

Q. Was the clinic in Berlin?

A. Yes, at the clinic. In the evening we returned to Belitz and then general discussions took place; this was mostly in the evening.

Q. Now, were there any written official instructions for this activity issued by the Commissioner General?

A. No, I told Brandt of my opinion and he left me alone in the execution. I had drafted for myself such a service regulation on one occasion, but I did not like the wording because for the formulation of such regulations I lacked the administrative juristic experience and so that draft never went beyond it being placed in my desk drawer.

Q. This draft is perhaps not important. I should like to ask you if you know the decree, the decree of September, 1943? This decree mentioned medical science and research and your office was called the "Office for Science and Research. At that time, from the time of your appointment on, did you consider yourself as a sort of dictator in the field of science and research?

A. No, I never did that. First of all every legal basis was lacking for this and all orders from Brandt to me were lacking and also, of course, any personal tendency for that was lacking too.

Q. And you did not consider the decree in that sense either?

A. No, I did not understand it to be in this way. In my opinion, only one person can want to be a dictator and that is one who does not have the slightest idea about real science. You cannot tell anybody in that kind of work to reach a certain goal in regard to research. You

my stimulate or suggest to him that he do something of that kind and if he complies with the suggestion, then you can further lend a helping hand in a material field, but my motives I have already explained. I can add in this respect that my work was carried out in the face of quite a number of difficulties. I was not able to give any orders at all. I had to try to gain the confidence of the people step by step. I had to try to gain influence. Even in a state system and with a dictatorship, it is still impossible to become a scientific dictator, because the basis of all scientific progress lies in the critics, also in criticism toward things which one already thinks had been proved. Such an attitude excludes any subordination or mental subordination under a dictator.

Q. Could you not at least appear as a promoter of research, did you not have a free hand financially, did you not have large funds at your disposal?

A. No, we did not have one cent for anything of this kind.

Q. Karl Brandt in an interrogation said and a record of this interrogation has been submitted by the prosecution here, it is Document No. 1736, Prosecution Exhibit 441. Karl Brandt said that you had a part in discussions concerning the economic aspect; what was that about?

A. This was the limitation of the production of medical equipment and medicine, which I have already previously mentioned, but in this respect I obtained statements by people acquainted with the matter about the complexity of questions with which they were dealing. Perhaps this could be explained best by means of an example. If perhaps because of the lack of material, only a part of the Sanisil was still available, then I turned to a number of persons acquainted with the matter and I described the situation. I requested them to inform me from the medical point of view what drugs were by all means necessary, which ones were desirable and which ones were not necessary and then the answers which I received were the basis for my negotiations with the pharmaceutical industries, however, it was not so that these clinical requests always had to be filled and complied with. It happened frequently that for example a drug, which we

had described as dispensable, that this drug could be produced very easily, because it had accumulated as a by-product of some other product. In such a case, the clinical interests had to stay behind the interests of production. Of course, this was a compromise, but nothing else could be done in time of war. A similar problem existed with regard to x-ray equipment, surgical instruments, etc.

Q. But your contribution was always from the medical side?

A. Yes.

Q. Now, there was a period of time when, in addition to what you have said, you tried to get a picture of the specialized, the practical research, which was being carried on; when was that and what was the cause of this?

A. That was in the middle of the summer of 1944. At the time the Ministry for Armament and War Production wanted to discontinue the entire scientific research, because they wanted to save personnel and material. I considered this unjustified and at least I tried to prevent this in the most important fields and therefore I turned to the Medical Inspector of the branches of the Wehrmacht, to the Reich Research Council and also to the Reich Office for the Extension of Economy. I requested these agencies to inform me of what research was still being carried out.

Q. Then you went to all agencies, which to your knowledge had research institutions, etc? I mean also the universities belong there too?

A. Self-evident, including the universities. If in time of war someone really wanted to engage seriously in research, then he, not for the reason of scientific research itself, but really for pressing war requirements, he had to receive a research assignment in order to obtain the necessary research material. May I perhaps explain here why a research assignment was always necessary?

Q. Speak a little slower, please.

A. Actually, now if a scientist occupied himself with some problem or other, he met together with his students in the matter in his clinic or institute. In time of war, he had to have a certain paper. In Germany, when he was told by some agency, the Reich Research Council or the

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Research Office for the Extension of Economy or some ministerial agency, that he was occupying himself with this or that special field of research. The progress of such a research assignment was that if he wanted to obtain some apparatus or other equipment or test tubes, he went there with his research assignment. For example to obtain test tubes, he had to receive a directive from the competent economic agency so that he was able to obtain this equipment. Furthermore, if one of the agencies which could conscript personnel in Germany and that was not only the Wehrmacht, but that also was the police and some other agencies, desired to conscript personnel, he could say that he had the research assignment and further that the people could not be conscripted as these people were needed because they had one, two or three research assignments to carry out. That is why these research assignments were requested in time of war.

Q. And you knew the agencies which could issue such research assignments?

A. Well, today I must say that I did not know all of them.

Q. But at that time you went to such agencies?

A. Yes.

Q. And your own office was not one of such agencies?

A. No, we were unable to do that.

Q. Did you approach these offices in writing?

A. Yes.

Q. How did such a letter at that time read?

A. I cannot remember the exact wording.

Q. Did you issue an order?

A. No.

Q. Did you get answers?

A. Yes, of course, answers arrived.

Q. What did they write?

A. We were informed - it would be best for me to give an example of how these answers were given. I shall give you an example as it is contained in a document in the files here. It was called Research Assignment of such-and-such a number, Schmilski, Innsbruck, Galvanic Narcosis. That is an example which is contained in the documents. Then a certain priority; sometimes also the evaluation of the assignment. Well, perhaps it was stated he received 1,000 or 4,000 marks for expenses incurred.

Q. You say that the priority, the degree of urgency, was also indicated? Would you please explain briefly what that is?

A. The word "Dringlichkeitstufe" (priority) must be given two meanings. At one time it was a technical term on the war economic field, which stated that the person in question, as I have already stated, was given material assistance. This priority was determined by the war economic agency by Dr. Gryn, but I did not have anything to do with that. However, the word "Dringlichkeitstufe" (priority) ...

Q. May I interrupt you a moment? You said very precisely, "Indic-

tions of the priority." Then it said something there - Priority One, Two, Three, Four. The numbers were given; I know that. All I want to find out is that the assignments themselves issued by the various institutions in themselves had a different value, a different urgency. If I am correctly informed this was indicated by a number, and if you say here that the priority was indicated then you mean this number, is that right?

A. Yes, that is correct, because this formerly economic number was also given a certain number.

Q. I was of the opinion that this number, this priority number, was assigned by the agency which gave the assignment, but from what you have just said, I am beginning to doubt. It seems that the assignment was given by an institution and that this priority, this preference, was given by another agency.

A. The priority was determined by the war economic agency. If other agencies were also able to determine such a priority, that I do not know. However, I have only seen these priority ratings but it is also possible that the Reich Office for the Extension of the Economy was able to do that, but I am not exactly informed on the subject.

Q. What did you do with the information about research assignments which you received from the various institutions?

A. The answers which I received were compiled into a research card index and then one of my collaborators, Dr. Christensen, took care of it. This card index was to help me to give information to questions which might arise and, furthermore, I wanted to be able to give documentary evidence to the armament industry that I would be able under certain circumstances to recognize if any dual work was being done at two different places.

Q. Was it so that from this time on everyone doing research work in Germany first had to inquire of you or report to you?

A. No, nobody had to consult us and nobody had to submit any reports to us. Practically, I have only received reports about the results of research. I received them semi-annually from the Reich Research Council because it issued a printed booklet which contained short reports - about so-

long reports - and this booklet did not only contain information about science but also about the other fields of physics and technique and what existed, and I have never turned for such requests to the individual scientists because I would have considered this an unproductive extension of what we used to call in a derogatory manner "paper warfare".

Q. Then you did not issue any such order to these agencies?

A. No.

Q. On the basis of this knowledge did you interfere in any research? For example, did you stop any research assignment?

A. No, I did not do that. I did not have any authority to do that. To the agencies which were interested I gave the information that the Ministry for Armament wanted to intervene, and we discussed what fields we would classify as necessary or which were urgent in some way. And in this sense I had something to do with the priority or the urgency. It was so that we classified a dozen fields or there may have been three or four more which, in spite of the situation, we still considered necessary for research. Of these one dozen subjects I submitted to the Ministry for Armament and also the other agencies which were interested.

Q. This subject is somewhat difficult. You have stated that for judging an assignment from the point of view of war economy it was decisive to determine the priority which was set by a number?

A. Yes.

Q. A number was placed on the assignment?

A. Yes.

Q. You have said that only other agencies could issue this priority?

A. Yes.

Q. And if you say now that you advocated - that you supported an assignment because of its urgency, then, if I understand you correctly, this was only done by exerting influence on the competent agencies?

A. Yes, that is the correct way to express it. And perhaps another example would be appropriate. In this list of the 12, 14, or 15 urgent fields it was not explicitly stated that the research of Mr. Mueller on 1000

subject was urgent and several hundreds of assignments may have been given in this field. What I described as urgent was not limited to an assignment for one person which was laid down on paper but only to a larger field which dealt with science.

Q. I believe I have understood you now. This was a matter of general influence which you exercised as a scientist. You have just said that certain fields were more important than others but the decisions as to which individual assignment was important was made by others?

A. Yes, that is right.

Q. This priority number was issued by other agencies?

A. Yes, that is right.

Q. And the person working in a certain field, he needed this priority number in order to accomplish anything?

A. Yes, that is correct.

Q. Do you remember whether Lost experiments were ever mentioned?

A. I cannot answer this question clearly under oath here with yes or no but since during the war we always had to count on the use of chemical warfare agents my belief is that this field was listed under perhaps a dozen subjects.

Q. But if I understand you correctly, this was done in the same form as you have just said, as a general subject?

A. Only as a general subject.

THE PRESIDENT: The Secretary General will note for the record the absence of defendant Oberheuser, excused since the afternoon recess on account of her illness. The Tribunal will now recess until 9:30 tomorrow morning.

(The Tribunal adjourned until 21 February 1947 at 0930 hours.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 21 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the Court Room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honors, all defendants are present in the court.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court. Counsel may proceed.

PAUL POSTOCK -- (Resumed)

DIRECT EXAMINATION (Continued)

DR. TRIBILLIA: (Counsel for the Defendant Postock): May it please the Tribunal, first of all I would like to try to answer the question of the Tribunal which refers to Document 3, Exhibit 3. It is this decree ordering secrecy which went to every military and also the civilian agency which occupied themselves with classified material during the war. This decree was already presented before the International Military Tribunal but as far as I could determine nobody knew the date of it even at that time. Now, by accident, testimony was presented yesterday in the Milch trial by the witness General Tolay. This gentleman has testified under oath that the decree was dated the 12th January 1940. Now, I do not know exactly what my attitude should be, whether that information is sufficient or if the Tribunal should submit an excerpt of the record, or if the Tribunal want take judicial notice of this testimony.

THE PRESIDENT: Has the prosecution any objection to stipulating that the evidence in the trial before Tribunal No. 2 referred to by counsel is correct or approximately correct?

MR. MC HANEY: If the Tribunal please, of course I cannot stipulate that the information is correct, I just don't have any idea when the decree was issued. I will, of course, stipulate that Dr. Pribilla has given us a correct paraphrasing of the testimony in Military Tribunal 2.

THE PRESIDENT: The record will show the remarks of counsel for the prosecution. Counsel may proceed.

BY DR. PRIBILLA:

Q Yesterday you had answered the questions which I asked you so far, that you had explained in what manner you came about to touch on the special research problems in Germany and that you began to start a card index file on the subject. You had further stated that this card index file was to serve the purpose of defending research against all intervention. You had further stated in what form you received the notification, and that they were only in the form of a short notice of the agency issuing the assignments of the scientist, not perhaps the priority of number under which these assignments were issued. I am not asking you if this preliminary work had any effect whatsoever. Did such an interference or an intervention take place, that is an intervention of the part of the armament industry or any other state agency? Did they intervene in the medical research activity?

A No, such an intervention did not take place. The development of the war also went over this decree by the Ministry for Armament. You will have to imagine the situation as it existed in Germany in 1944--all communications were being hampered and in every way things had to be improvised. Quite a few decrees were never executed at that time, there just remained empty words on paper.

Q In spite of this did you continue and maintain the card index file and you had started it?

A Yes, we had agreed with the other agencies that they were to inform us about research assignments which had been newly issued.

Q Did this happen because you gave a corresponding order or directive?

A No, that was what I would like to call a gentleman's agreement.

Q Well, you said although this activity was never carried out you continued and collected the research subjects. I think that you did this as a preventative measure, so to speak?

A Yes, that is correct.

Q The other agencies who issue research assignments, did they have to obtain your consent if they wanted to issue another research assignment after the time you had already started your card index?

A No, they did not have to consult me at all. Only when such a research assignment had already been issued, then I was informed of that fact. The research council did this in approximately three months intervals from a list which contained all the statements which I have mentioned here yesterday. And, we had an agreement with the Chief of the Medical Service of the Luftwaffe that I would receive a copy of all assignments when issued. I think General Harfler has also testified to that fact yesterday or the day before yesterday.

Q Do I understand you correctly that these reports went to you after the assignment had been issued?

A Yes, I was informed subsequently.

Q Professor, have you ever received any notification from which you could deduce that experiments were carried out on human beings?

A No, I have never received any such notification. And, now if I had all my files available here and the card file index, which I have already mentioned, which was confiscated at Liebenstein by an American unit, and my defense counsel has already asked that they be furnished to me several weeks ago, then I could also submit documentary evidence.

Q On 25 August 1943, a new decree was issued. It appointed the defendant Reich Commissioner. This document is document HC-682, that is Prosecution's Exhibit 7. This decree also accords for the first time the right to give instructions. Did this decree change anything in your previous activities?

A No, no change occurred. I have already explained yesterday that I do

not think much of instructions in the field of research. And, when the organization began to disintegrate already in 1944, it had already progressed so far that we could not work according to the plan any more.

Q Were the medical and scientific societies subordinated to you?

A No, the medical societies were subordinated to the Ministry of Interior. Furthermore, during the last few years of the war these societies were having their winter sleep, so to speak. They had not been placed in that position through their own free-will, but through a decree which was issued by the Propaganda Ministry which prohibited any meetings or conferences as far as they were not only of a purely local nature. I know that on the Allied side many meetings and conferences were being held. They were also held on an international basis, and with reference to that fact, I have tried on several occasions to cause the Ministry for Propaganda to withdraw the decree which it had previously issued. However, I was not successful in doing this. However, if by medical societies, for example, you mean the Ahnen Society, and its contacts with the SS, then I must say that I heard of this society for the first time here in Nurnberg.

Q Do you know anything at all about research assignments which were carried out within the framework of the SS organization?

A On the occasion of the questions which I have mentioned yesterday, the Reich Physician and SS informed me of three or four research assignments which I cannot remember in detail any more. In any case, I had the impression at that time that no remarkable research was being carried out on the part of the SS. However, I must say today that Gravitz, without any doubt, tried to prevent me from gaining any insight into his field and he also succeeded in doing this.

Q Now, you spoke of the answer of the SS with regard to your question about the research subjects?

A Yes.

Q Now, can you give us another one of the subjects which was mentioned by the SS at that time?

A I can remember the one subject, if I remember correctly, about the

history of homosexuality. However, it may also be the method of treatment, I cannot remember that exactly any more today.

Q However, do I understand you to the effect that there was nothing amongst these subjects that seemed to be very important to you at that time?

A No, it did not seem to be very important to me.

Q Did you find out anything about the fact that the research work was carried out by the SS in the various concentration camps?

A No, I have not found out anything about it.

Q Did you find out anything about the experiments on human beings on the part of the SS?

A I never found out anything about that either.

Q At the time, did you again ask the SS, when in answer to your inquiry, you were given these very unimportant subjects?

A No, I have not made any additional inquiries.

Q Why did you fail to do so?

A There was no special reason for me to do it, and furthermore I had been told by Brandt that the time when the decrees were issued, which we have so frequently mentioned here, through the General Commissioner, that Hitler had told him at the time, in the presence of Himmler, that he had told him quite clearly that the SS--that he was not concerned with the SS, and that these decrees did not refer to the field competence of the SS.

Q Did you, on a scientific basis, have any connections and contacts with the Institutes of the SS?

A No.

Q Before 1943 did you have any contacts with the Reich Research Council?

A No.

Q Do you know what contacts Brandt had with the Reich Research Council?

A I know that on the occasion of the reorganization of this Committee I believe that this was in the year 1942, Brandt had been called into the Presidium Council of the Reich Research Council.

Q At the end of 1943 when you began your work, did you at that time establish contact to the Reich Research Council?

A For every member of the Presidential Council, a deputy had to be appointed, and since this position was not occupied on the staff of Brandt, he appointed me as his deputy early in 1944.

Q Were you paid as a result of this appointment?

A No.

Q Did the Presidential Council hold any meetings or conferences, and did you attend these conferences and represent Brandt there?

A I did not know anything about such a conference, then, in any case, I have not attended such a meeting, and furthermore, I never received any invitation to attend one.

Q Do you know anything about a service regulation, about this Reich Research Council?

A I never saw any such service regulation.

Q For everything that was discussed in the Reich Research Council or which you received in the form of reports, was there any specific secrecy imposed?

A The Reich Research Council, just like any other thing in Germany-- in order to use a slang expression, there was a certain craziness for secrecy. Even the most unimportant matters were classified as secret, and perhaps I could describe to you an incident which I knew from my activity as Dean of the Medical Faculty in Berlin. It may have been in the year of 1942 or 1943, and these questionnaires were sent to all the university teachers by the Reich Research Council and we all had to fill in every extensive card index, and these cards contained personnel statements, as this also was usually published in the literature and scientific indexes, just as it is something in the nature of the English "Who's Who", and furthermore had to be listed in the scientific publications which had already been printed, and also all of these things could be found the list of Pathologists, surgery, etc. and everybody in Germany was able to buy such books in any book store; although these index cards contained nothing but these statements they were classified as top secret.

Q Where did you obtain knowledge of the research and the other activities of the Reich Research Council. Did you receive any reports?

A Approximately every six months the Reich Research Council issued a printed booklet which contained short reports about the research work which had been concluded and which had been financed by the Reich Research Council. These booklets did not only contain reports from the field of medicine, that actually occupied a very small part of the booklet, but it also dealt with all other fields, with technical matters, physics, and agricultural cultivation problems and so on. All these things were contained in the booklet, and these reports also were classified as top secret.

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Q. Could you see from these reports that anywhere in Germany experiments had been carried out on human beings?

A. No never.

Q. Besides these printed reports, did you yourself receive any special reports?

A. No, I never received such reports.

Q. Did the members of this presidential council have any authority to issue instructions, or did they have to supervise the business and management of the Reich Research Council?

A. No. The special branch heads in the Reich Research Council were subordinated directly to Goering.

Q. Where did you get that information?

A. I was told by the first acting president in the Reich Research Council Herr Mengel and he told me that quite clearly. Dr. Blum also confirmed this fact to me here also.

Q. Who was in charge of the management of the Reich Research Council? For example, who issued the research assignments?

A. The research assignments were issued by the specialist branch heads or the plenipotentiaries or the commissioners for special projects; and in the field of medicine there were scientists, who dealt with research of diseases and cancer.

Q. Where did you obtain this information?

A. I also knew that from President Mengel.

Q. As it was previously mentioned, Dr. Mengel was the manager in the Reich Research Council?

A. Mengel was the deputy president, if I remember correctly. He was acting president of the council.

Q. What was the position of the presidential council?

A. I assumed that the presidential council was a representative body. However, I cannot tell you that exactly, because I have never actually participated in this capacity. Perhaps it was a fictional organization like the

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Prussian State Council of which I read in the press last year, where it was stated that they had never held any meeting.

Q. The prosecution has presented a document here which contains the correspondence between the acting manager of the Reich Research Council Manzel on the one hand and the Reich physician SS on the other hand. This is Document 002-PS, Prosecution Exhibit 40. From this correspondence, which takes place between the acting manager of the Reich Research Council Dr. Grawitz and the Reich physician SS, the prosecution has reached the conclusion that you had been informed about the fact that experiments on human beings had been continued in this letter. What can you say in this connection?

A. I can say that I saw this correspondence for the first time here where it was presented by the prosecution on the basis that it originated in the year 1942 or 1943. At that time I didn't have anything whatsoever to do with the Reich Research Council. It was my experience in the year 1944. I should say that similar correspondence never has been presented to me.

Q. Did you yourself issue any research assignments to the Reich Research Council, or did you order the research assignments?

A. If the words "initiated" and "ordered" are used and if they are taken as synonymous with the word "requested", then yes. I have already mentioned that I wanted to further research in the field of tissue culture; and for that reason I approached the medical branch head in the Reich Research Council with the request that research assignments be issued for five or six men -- an including women as well -- and that they be given research assignments in this field so that the people who had previously occupied themselves with the field could again resume their work.

For example, I also further suggested that two other experienced pathologists should write the history of the German Society for Pathology. However, in all these cases I did not act on behalf of the Reich Research Council, but in my capacity as a chief of an agency with the General Commission. I approached the other agency with a request of the Reich Research Council.

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suggestion.

Q. Was it known that the Reich Research Council had to comply with this request or could it have refused the request?

A. It did not need to comply with it; it could also refuse.

Q. That was a suggestion?

A. Yes, that was only a suggestion.

Q. The witness Prof. Gutzeit has testified before this Tribunal that you had made written inquiries to him with regard to medicine and also with regard to a certain tissue treatment against typhus, consisting of the use of baths. Now, the witness was unable to remember of a certainty if you had made these inquiries from your Office for Science and Research or if you had made these inquiries to him on behalf of the Reich Research Council. However, the witness has admitted that he was not exactly informed about your position in the various agencies. Can you give us an explanation on that subject?

A. Yes, I can do that. Without any doubt Dr. Gutzeit has mixed up the two agencies, namely the Office for Science and Research, and the Reich Research Council. I can remember these inquiries very well; and I addressed them to Gutzeit from my agency with the Reich Commissioners and also according to the previously mentioned action for the reduction of the production of medicine. The other occasion was the suggestion which had been made to me from some other agency about the treatment of typhus, using some kind of baths which were to be increased in heat.

Q. Then, if I understand you correctly, that was an inquiry which you had directed to him as a scientist?

A. Yes.

Q. The prosecution has presented here the record of an interview with Karl Brandt. It is Document NO-1730, that is, Prosecution Exhibit 443. There the words were used that you had taken up your assignment in connection with the Reich Research Council; and the prosecution has concluded from that that you had some official influence in the Reich Research Council. Can you give us any explanation on that subject?

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A. As I have already stated, we wanted to have this discussion about electronic microscopy and penicillin. Technical difficulties prevailed which were caused by the decree of the Propaganda Ministry which I have just mentioned. This decree prohibited the holding of any meetings. For this reason I turned to Mr. Menzel in his capacity as Reich Research Council and asked his advice. Mr. Menzel advised me that we should not call any meetings or conferences but that we should have an official discussion. An official discussion had not been prohibited in this decree by the Ministry for Propaganda; and that is exactly what we did. Furthermore, I have also stated that I wanted to keep the German scientists informed about the new discoveries abroad; and in order to do this I had to approach the people that were to obtain the foreign literature. In this matter I also asked Menzel's aid in the Reich Research Council. It was also in this case that my agency had to approach another agency in the Reich Research Council with this request; and I did not do anything nor did I initiate any measures on behalf of the Reich Research Council.

Q. You stated that information about the literature abroad was necessary. At that time were there not a large number of medical publications in existence which dealt with articles and speeches?

A. Yes, that is correct, because a large number of medical journals had a certain department and in peace time the most important part of foreign literature was very carefully analyzed. I know this very well from my activity as editor of the Central Journal of Surgery and all the editors subscribed to the most important foreign journals. At the beginning of the war all of this changed. We were not allowed any more to subscribe to any foreign literature any more. Certain editions of the foreign scientific journals still came into Germany. However, they had to be treated as secret material and even if an editor was able to obtain such an edition through some other ways then he was not allowed to analyze it. That had been prohibited by the Ministry for Propaganda. I considered this as unfeasible and I considered it nonsensical. For this reason in the year 1944 I began to organize such a secret information sheet.

Q. In March 1945 Karl Brandt was ordered to summarize medical research within the Reich Research Council. You know this decree, don't you?

A. Yes, I know it.

Q. Will you please confirm to me if the date of March 1945 is correct. That is several weeks before the end of the war?

A. Yes, that date is correct.

Q. Why was this instruction issued?

A. First of all in my opinion this decree indicates very clearly that Brandt did not have any influence on the Reich Research Council before this decree was issued.

Q. May I interrupt you? Then you did not have any influence either?

A. No, I did not have any either. Then why this decree was issued in the very last phases of the war was probably caused by the fact that things were not functioning correctly any more even in this field. Perhaps people thought this condition changed by means of a piece of paper.

Q. Did this decree have any practical effect?

A. No, the decree arrived several days before our agency was moved from Belitz to Thuringia and it did not have any practical effect whatsoever.

Q. During your activity there was an institute like the Kaiser Wilhelm Society, there were several institutes here that were subordinated to you.

A. No, the Kaiser Wilhelm Institute was a society on a subordinate basis which is not exactly known to me. I have heard on one occasion that it was a society of public law. I personally cannot even imagine anything under that title. This society was subordinate to the Reich Ministry of Education. However, I do not know any details as to what its exact subordination was.

Q. This document has been presented here in some other connection, that is Document No. 1309, this is Prosecution Exhibit No. 326. It contains a file note about a discussion which took place between Dr. Blome and a certain Dr. Kliewe. The prosecution concluded from this that you were also informed about bacteriological warfare. Can you give us any statement on that subject? I believe that this letter is on the 23rd of February, 1944.

A. I have seen this file note for the first time in the documents here. My name has not been mentioned in the document and I did not attend this discussion. I have previously never heard anything about the working committee, "Blitzableiter". I do not exactly know what that name was. I only know the following about pathological warfare: That Generaloberstabsarzt Handloser, in my capacity then as his consultant surgeon, ordered me to attend a meeting and probably because the invitation stated something about cancer research and perhaps because he wanted me to utilize my specialist knowledge in that field in the course of the meeting. Generaloberstabsarzt Handloser gave us detailed information about his conversation with Professor Blome and it is probably sufficient if I confirm that the meeting actually took the same course as has been described here. It was interrupted without having achieved any results whatsoever and I personally have never heard again of this meeting at a later period of time.

Q. I request that you state quite briefly what subjects were dealt with during that meeting. When did this meeting take place?

A. I do not know the exact date any more but it must have been in the

spring or summer of 1943, and the following persons were present: Blome, Handloser, a veterinary general from the Veterinary Inspection, and perhaps one or two other men whose names I do not remember any more. Blome stated that he had received instructions by the Reich Marshal to deal with pathological warfare some way and he was trying to receive information of the people who were connected with the armed forces, and Generaloberstabsarzt Handloser first asked him if he was able to show any written instructions because he had received the strictest orders that on the part of Germany no preparations at all were to be made in this field and that he was unable to give any information without first having received the authority to do so by his military superiors. Since he had not received this authority and since he was unable to say what the meeting would deal with, he was unable to give any information or furnish any documents at this time, and then Veterinary General Richter said exactly the same thing. The meeting came to a conclusion after a relatively very short period of time.

Q. And later on the subject never came to your ears again?

A. No, I never heard of it again.

Q. The indictment brings you into contact and charges you with the responsibility for malaria experiments which were carried out in the Concentration Camp Dachau. What can you state in connection with that?

A. I do not know on what the Prosecution supports itself. I have found out in the course of the trial that the order for such experiments was issued in February 1942 by Himmler. At that time I was consulting surgeon with the Army at the front. I have never had any contact whatsoever with Himmler and I did not know Schilling. I did not work on the experiments and I have never been at Dachau. I have only heard of all these experiments from the publications of the press and that was long after the capitulation.

. Now the Prosecution has brought you into connection with this matter and that is with the polygal experiments. As far as I can see the only basis for it is a certain place in the Sievers' diary. This is Document PS-3548, Prosecution Exhibit 123. On page 152 of this diary Sievers has written the following: That on the first of June 1944 he has answered any inquiry from you on the subject of Polygal. What kind of an inquiry was that?

A. At the beginning of the year 1944 in the Munich Medical Weekly Journal an article had appeared which reported a new blood clotting drug on the basis of pectin. We already had discussed such a drug on the pectin basis; pectin is a vegetable matter, we had discussed such a drug, that was sanguastop. However, this drug was not satisfactory in every respect and, of course, as a surgeon I was naturally interested. And, therefore, I wrote to the author of this article. I requested him to send me several samples. I did not write to Sievers, because he was completely unknown to me at that time. As I wrote to the author these samples I had seen in the publication of the Munich Medical Weekly Journal. And, of course, I did not even know that this person passed on the letter to Sievers. I do not remember quite exactly if I ever did receive these samples. In any event I did not and it is quite probable that I never received them. However, I cannot say that with absolute certainty.

Q. You stated that you did not know Sievers.

A. No. I did not know him at that time.

Q. However, it has been stated here in the course of the trial that Sievers on one occasion visited Carl Brandt in order to inform him about the last experiments by Professor Hirt. This is Document 30-372, Prosecution Exhibit 252. Were you also informed at that time or did you find out anything about it?

A. I did not see Sievers at that time and I did not see the report at that time either. The report came into my hands for the first time here and it belongs to the complex of preventative measures against chemical warfare agents. I did not deal with this matter as it was dealt with by Brandt personally.

Q. The Prosecution further brings you into connection with the experiments about making seawater drinkable, experiments involved in this case which were carried out in the year 1944. At that time you were already in the office for Science and Research. Did the Luftwaffe where the experiments were carried out inform you before the assignments were issued authorizing this research?

A. No. They failed to do so.

Q. Were you informed of this research assignment within the framework of the notification which you received subsequently for your card index file?

A. It in itself might be quite possible. However, I do not think this was the case because Becker-Freyse has stated here in his affidavit that this was not a research assignment but it was an official order by the Medical Inspectorate of the Luftwaffe to a subordinate medical officer. And, of course, such orders would not come to my knowledge.

Q. Therefore, it is not certain if this assignment was included in your card index file?

A. No.

Q. Do you know any details about these experiments. Did you occupy yourself with planning or the execution of these experiments at that time?

A. I did not have anything to do with the planning or execution

Q. You remember this personally?

A. Yes. I know that. Furthermore, a document has been presented here which contains the record of two preliminary discussions. I do not know the document number.

Q. That is document NO-177. I shall give you the exhibit number in a minute.

A. And this record indicates that I did not have anything to do with it and the distribution shows that it was not sent to me either.

Q. And you had no knowledge of it whatsoever?

A. No.

Q. Very it please the Tribunal, I shall give you the exhibit number after the recess.

With regards to the hepatitis experiments which have been mentioned here, the Prosecution has presented a document which is NO-019. It is Prosecution Exhibit 187. It has been concluded from the letter that Karl Brandt approached the Reich Physician-SS Grawitz in order to carry out experiments on human beings with regard to hepatitis. Do you know anything about this occurrence?

A. No. I have seen this document here for the very first time and at the time Brandt has never told me anything whatsoever about it. About the hepatitis experiments - no. I do not know anything about that either.

Q. The hepatitis experiments were carried out by Professor Kurt Streisinger. Didn't you know anything about the issuance of a research assignment on hepatitis to Professor Hargen or did you have an active part in it?

A. I have seen here from the files that this assignment is from June 1943 and that it was issued by the Reich Research Council. In June 1943 I did not have anything to do with the Reich Research Council and I was not even a member of it as representative of

Presidential Council. And, I did not find out anything at all about these experiments until a later period of time.

Q. Hagen had had another assignment from the Reich Research Council, that was working with regards to typhus. Did you have anything to do with that?

A. These research assignments were from the year 1942-43 and have only found out about them here, and they originated with the Reich Research Council and the Luftwaffe. And the same applied to them with what I have just stated with regard to hepatitis with reference to the case.

Q. On the occasion of the interrogation of the witness, Nyre, it was mentioned here that you also engaged in correspondence with Professor Hagen at Strasbourg. The witness was unable to state what this correspondence dealt with. However she said she could remember seeing your name on one of the letters. What did this correspondence deal with?

A. Of course, I cannot remember every letter that I have written several years ago. But I know Hagen as an expert on virus diseases. And, then in the winter of 1944 the question confronted us, that perhaps in the spring of 1945, we would be confronted by an international epidemic on a large scale, then I approached a large number of experts, and that included Hagen, and I requested them to make suggestions of what preventative measures could be taken against such an epidemic and, if I remember correctly Dr. Ulcin Nyre has just testified here that she could remember the contents of this correspondence. At least that is what I believe.

Q. In the course of the trial a report has been presented which the previous mentioned Professor Hagen wrote at Strasbourg and which deals with typhus. Do you remember that Document?

A. Yes, I can remember it.

Q. It is Document NO-138, Prosecution Exhibit 360. What kind of report is it?

A. From the correspondence with Dr. Brauer, which was presented at the same time, it is indicated that it is a report, as it was contained in the printed publications by the Reich Research Council, which I have previously discussed.

Q. Did you read these reports from the Reich Research Council? Do you remember if you have seen this report by Professor Hagen at an earlier period of time?

A. That is quite possible but it certainly did not draw any special attention on my part because then it would probably have remained in my memory.

Q. Have you been able to study this report more closely here?

A. Yes, I have studied it very closely.

Q. According to the knowledge which you have at this time, can you deduce from this report that ill-told experiments on human beings formed the basis for it?

A. No, I cannot do that, even though I know the subject of this trial.

Q. This report speaks of the production of a living typhus vaccine. Can we not become suspicious from that expression?

A. No, not at all. Numerous virus vaccines contain an active virus, which has been weakened, and this perhaps could be best explained in the general well-known example of smallpox vaccination, because smallpox is also a virus disease. If a human being is to be protected from the danger of becoming infected with smallpox, then the person is inoculated with a weakened active virus. All of us, probably, on our upper arms, have the marks of a very slight smallpox infection which was imposed on us during our youth; during this light smallpox infection, following the vaccination, then the body forms a protective reaction, which will counteract any danger of an infection to which the person is later exposed. Not exactly like it, but in a similar way, is the state of affairs with typhus, because it is also a virus disease.

Q. However, there is still another place in this report where it is stated the effects of this vaccine had been tested on 8 persons.

A. In order to use a word which has been mentioned in the course of the trial, that is nothing criminal if a number of people are vaccinated against spotted typhus as is done in every army when troops are to be used in an endangered area; then after a certain period of time an agglutination reaction can be produced. This can be done with a drop of blood which may be taken from the ear or the finger and with this reaction it can be determined how much of an immunity has been obtained with the various people. For example, it can be concluded from it if one or the other person has to be immunized again and the effect of the immunization can actually be determined in numbers. From these subsequent tests Hagen reported with reference to the dry vaccine which he had newly developed and, in my opinion, an expert cannot draw any conclusion that anything illegal was connected with this report.

Q. Now the Prosecution has assumed that a physician like yourself, who held such a high position in Germany, even if he did not have any knowledge of crimes in detail, still participated in a conspiracy to commit criminal experiments because, in the medical scientific field, he was working to other with other agencies, especially when such things were done by other agencies. Now I want to ask you whether such a connection with other agencies existed which would justify this assumption?

A. The indictment mentions a conspiracy on several occasions. I do not know the jurist definition of the word conspiracy but on the basis of human common sense I can state the following: Under the main and emphasized arbitrary and purposeful uniform concept of coordination always shown to the outside, exactly the opposite of coordination existed and exactly the opposite of a collaboration existed. This referred to big, important questions and also to what the world knows as circle allemande. This referred to whole agencies and it also referred to individual subjects and persons and persons on the outside can hardly gain a proper impression in imagination of that subject. In any case, no conspiracy was involved; there was no trace of such a conspiracy.

Q. From the trial you know at this time the various points of the indictment

with which you are being brought into connection. Now, in conclusion, do you have any remarks to make with regard to the form of the accusations?

A. As a scientist I am used to examining material on hand professionally and without any passion, regardless of my person, and I have done exactly the same thing in this connection. From the composition of the individual points of the indictment I believe that the power conditions and the struggles for power as they existed in Germany during the war, have not been taken into consideration. Towards the end of the year 1943 the disintegration of the organization in Germany as a result of the effects of the war, had already progressed very far. The individual agencies had fortified their positions of power and now they avoided, to a very large extent, the influence of other agencies. The State Leadership tried, because of the difficulties which were accumulating, to achieve an improvement by establishing new agencies. Thus the position of the Reich Commissioner for Health and Medical Service was only one of a large number of such attempts. On the other hand, however, the suspicion of the supreme state leadership was so great that a really effective new organization could not be achieved. Even my unofficial activity with the help of several assistants and a very small field of competence, as Lammers has explained it here, was neither in accordance with the desire of the state leadership nor was it suitable, with the budget which had been furnished to us, to do more than what I have previously described as my attempts. In the field of special research I did not have any supervisory capacity towards other agencies or authorities. I believe that everybody will be able to confirm that.

Where everybody is not exactly acquainted with the conditions that prevailed in Germany during the war -- and that is also for the Prosecution -- it is very difficult to obtain a clear picture of who was really responsible.

I hope that I have succeeded in showing what actually existed behind the high-sounding title of the Office for Science and Research and that it did not have the tasks and did not have the knowledge which is ascribed to it by the Prosecution. My office was not the type of office which was able to influence in the field of medical research an assumption which has been made here several times by the judges that the procedure was followed as the

Prosecution has described it. I have often asked myself if I, in my position in the year 1944, could have and should have recognized this, because I did not know about it. That I hope I have clarified through my testimony. But everything that is a subject of the accusation here, that has taken place behind the locked gates of the concentration camps. I have never found out about what went on there and if I had tried to gain insight into what was going on behind those walls, then I would not have succeeded in doing so.

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It was absolutely impossible for those outside to look through them. Until the year 1945, I did not talk to any person who had ever been in a concentration camp and thus the things that happened there were hidden from me.

I regret very much that I do not have all my files available here, so that I could give still more exact and detailed information in order to give a clearer insight. However, I hope that my closer collaborators, who will appear here as witnesses, will be able to give further information which might be desired.

DR. FRIBILLA: May it please the Tribunal, I do not have any further questions.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY MR. PRIBILLA:

Q I have to add something in view of the documents I did not submit before. This document is No. 177, and which will be Exhibit 133.

THE PRESIDENT: Does any of the Defense Counsel desire to cross examine this witness?

BY MR. FLEISH: (Counsel for the defendant Krugowsky):

Q Professor, where did you know Krugowsky from?

A I knew him as a member of the Medical Faculty in Berlin.

Q Were you the Dean of that Faculty?

A Yes.

Q Was this a close acquaintanceship with Krugowsky?

A No, not at all.

Q With reference to the appointment of Krugowsky as a professor, can that be based on any intervention of any party or SS agency or did any such agency influence his appointment in any way?

A No, no such influence was poured. After Krugowsky had been dean for about five years, he was appointed professor through the ordinary office for Science in Berlin, as a professor, and was suggested as such before the Board. The faculty had confirmed on that suggestion, and then passed the suggestion on to the Ministry. This was the channel used.

Q That is, no influence was exercised by any SS or party agency?

A No, no such influence was poured.

Q Did you ever get into contact with Krugowsky in any other capacity as Dean of the Medical Faculty in Berlin?

A I had nothing else to do with him.

Q Repeatedly the gangrene diseases were mentioned here during the last war. Can you say anything about the frequency and the danger of gangrene?

A Gangrene, next to tetanus is the most dangerous infection. The frequency changed according to the battle field and the frequency also changed according to the nature of the wound. If it is merely a shot of an infantry rifle, it is not so dangerous. However if it is a grenade wound it is more dangerous, and I think you can judge the frequency something like under 10 percent of the wounded.

Q Were there many fatalities and amputations in the case of gangrene?

A Yes, whenever gangrene started, the mortality was very high. That varied according to the three groups of virus, so one could say it was approximately fifty percent.

Q Under these circumstances, was the creation of a vaccine against such gangrene of the utmost importance to the military?

A Of course, it was of military importance but I would say that the medical and humane importance was even greater.

Q Well, in this case, it was very important?

A Yes.

DR. FLEMING: I have no further questions.

BY DR. MARK: (Counsel for the defendant, Professor, Doctor Schroeder.)

Q Witness, you stated during the direct examination by your defense counsel how the situation was in Germany during the war, and how the so-called research assignments came about?

A Yes.

Q Did I understand you correctly when you said that the research works of the civilian institutes endeavored to receive such research assignments in order to safeguard the continuance of their research work; that is, from a material, and financial, and personal point of view, in view of the difficulties of war. That is my question?

A Yes, that is true.

Q Do you know, Witness, whether the prerequisite for the issuance of such an assignment is generally applicable, that is to say, that as a rule the research worker, himself, demanded such a research assignment?

A I am sure that was true in most cases.

Q From that, one can conclude, therefore, that the research worker, with the help of such assignments could continue his research work, and especially in the field in which he had worked previously? Naturally, I can see individual questions which arose because of the war.

A Yes, that was true.

Q In that case, were these research assignments, as a rule, sent to specialist in the various research fields, who had special knowledge for any individual questions which came up?

A Yes, that was true.

Q These research workers were experts in their fields, were they not?

A Yes, it must be that way. I cannot imagine that a research assignment given to a person who had no idea about the subject.

Q These agencies who issued these research assignments, did they have a supervisory duty over the research workers who exercised this function?

A I do not know any regulation of that sort, and I am of the opinion that the research worker is responsible for the manner in which he deals with the assignment which has been given to him.

Q Yes, but was he really responsible? He must have been responsible to the civilian supervisory agency?

A Yes.

Q Well, let us assume a special case, one man was the director of the Hygienic Institute and in this capacity he received a research assignment; then, of course, he would subordinate it to the dean of the respective university or to the rector of that university or to the lecture of that university.

A A rector or a dean had no such supervisory rights over these institutions, but the director of the Hygienic Institute was subordinated to his Ministry; maybe the Bavarian Ministry, the Wirttemberg Ministry, or the Prussian Ministry, for this trial has show he has a penal responsibility.

Q How about the disciplinary responsibility?

A It was with the respective country ministries.

DR. KATZ:- Well I have no further questions.

DIRECT EXAMINATION

BY DR. DABER (Counsel for defendant Poppendick):

Q. Professor, you have had extensive experiences and theoretical knowledge in surgery. I should like to put to you the following questions which are in relation to treatment with hormones which Dr. Fernet was supposed to have performed on persons in the concentration camp Buchenwald. Do you know of any publications in medical literature which have something to do with the implantation of hormone crystals or hormone tablets in human beings?

A. There are a number of such publications. I remember a summary and description in a Swiss medical periodical. I think it appeared in the year of 1944. I cannot remember the name of the author at the moment. There the physiological basis and the technical execution were described.

Q. In the case of the implantation of hormone tablets were we concerned with a method which has to be taken seriously, scientifically speaking?

A. Yes.

Q. Can you say who at first introduced this method into medical practice?

A. According to my opinion this method originated from the USA. At the moment I don't know the name but if I remember correctly -- I'm afraid I don't know the name by heart any longer.

Q. If I were to give you the name, would you be able to remember then?

A. Perhaps. I don't know.

Q. Do you know the American research recorder Vest?

A. Vest, yes, that's right.

Q. Do you know that the implantation of hormones can also be described as an artificial gland in the international medical literature?

A. Yes.

Q. I ask you now as an expert on surgical questions to give your opinion about the manner in which the implantation of hormone crystals or hormone tablets was performed and about the danger which is connected with that.

A. First, anesthetics are given and on the skin of the stomach or thigh a little incision is made. Then this little tablet within which the hormone is concentrated is taken up with a little pincer and inserted into the tissue.

Then the pincer is taken out and this little opening is sewed up. But you asked me about the danger, didn't you?

Q. Yes.

A. You cannot call it a dangerous operation, no more dangerous than any ordinary puncture, and it occurs every day in many thousands of cases, nor can you call it any more dangerous than any intramuscular injection of any drug. I don't know whether that is satisfactory.

Q. Yes, that is quite sufficient, thank you.

DR. DARR: I have no further questions.

DIRECT EXAMINATION

BY DR. FRITZ (Counsel for defendant Rose):

Q. Professor, do you know the defendant Professor Rose? And from where do you know him?

A. I know Rose also as a member of the medical faculty at Berlin and, in addition, he belonged to these prominent German tropical hygienists whom you can count on the fingers of your hand.

Q. Before the collapse, did you ever speak to him about any one of the counts as laid down by the prosecution, or did you get into contact with him in any other form, directly or indirectly?

A. No, we never spoke about the case. I had hardly any relationships to tropical hygiene. Whenever we met anywhere, we merely said hello but that was all.

Q. When Professor Handlser was on the witness stand, I put a number of questions to him about the position of consulting specialist with the medical inspectorates of the Wehrmacht branches. You heard the answers of Professor Handlser?

A. Yes.

Q. You yourself during some part of the war were consulting surgeon with the army medical inspector, weren't you?

A. Yes.

Q. In accordance with that, can you confirm in the essential parts the answers which were given to me by Professor Handlser?

A. I do not remember the exact wording any longer but I have not noticed that any wrong description was given.

Q. First of all, can you confirm it that the consulting physician with the medical inspector was in no way the superior of his expert colleagues at the intermediate instances?

A. No, certainly not.

Q. Can you confirm, Professor, that he did not have the right or the duty to exercise official supervision over any other medical experts and over any of the research assignments which they had taken over?

A. He was not the superior and in accordance with the testimony of Generalarzt Hartleben it can be seen that he had no official supervision whatsoever. He had his own superior. In that case it was the inspector, and it was his duty to advise him but that was all.

DR. FRITZ: Thank you. I have no further questions.

THE PRESIDANT: Is there any further cross examination of this witness by defense counsel? There being none, the prosecution may cross examine.

CROSS EXAMINATION

BY MR. MC HANEY:

Q. Herr Professor, there will be occasions during the examination when you will feel that you have already answered the question, and I will ask you to bear with us on this point for two reasons. Firstly, the interpretation of your statements on direct examination of course was not as lucid as the statements you made in German; secondly, neither I nor the Tribunal have had an opportunity to read the transcript of yesterday's interrogation by your own defense counsel.

Firstly, I would like to put a few questions to you in relation to the subject brought up by Dr. Marx, defense counsel for Schroeder. You were dean of the medical faculty in Berlin University, were you not?

A. Yes, that is correct.

Q. And the defendants Arugowsky and Rose were also members of the medical faculty of the Berlin University, were they not?

A. Yes.

Q. You do not for that reason take the responsibility for the activities of Rose and Krugowsky, do you?

A. No, not at all.

Q. And if Rose and Krugowsky were assigned experimental research tasks by one or the other branches of the Wehrmacht, it's not your responsibility how they carried out those research tasks, is it?

A. No. If one could speak about any responsibility of a dean, it could only refer to the lecturing activities of these gentlemen; that is, with reference to whatever he read during his lecture. But I must honestly say I have no information at all about the penal, legal side of this matter. Something like that never occurred during my three years activity as a dean. But I cannot imagine that a dean who has about 370 lecturers under him in Berlin should be responsible for every word and every deed which any one of these 370 gentlemen may have spoken or done during their activities. I cannot imagine that.

Q. Herr Professor, you mentioned this lecture which you gave to the consulting physicians on the chemo-therapeutic treatment of wound infections. You gave that lecture at the meeting of May 1942, did you not?

A. Yes, that is correct.

Q. You were considered something of an expert in this field, weren't you?

A. As far as a surgeon can be an expert ^{about} any treatment of wounds.

Q. Do you swear that you had no contact with Gebhardt or any of his associates concerning the sulfanilamide experiments carried out by him prior to the meeting in May 1943?

A. I heard about these experiments for the first time when Gebhardt and Fischer spoke and held that lecture during that meeting in 1943.

Q. It was clear from Gebhardt's and Fischer's speeches, was it not, that the experiments had been conducted by artificially infecting the experimental subjects?

A. Yes.

Q. How many subjects were used for these experiments? Could you tell me?

from the report by Gebhardt and Fischer?

A. In my opinion that did not become known.

Q. Weren't the number of the experiments which were carried out important in evaluating the validity of the conclusions reached?

A. As far as I remember, percentages were given.

Q. Well, Herr Professor, you can give a percentage of six people used; you can give a percentage of sixty people used. I put it to you that it seems to me, a layman, that it is a matter of critical importance as to the validity of a conclusion reached by a series of experiments to know how many experiments were carried out. Isn't that true?

A. Yes, that is correct in itself, but unfortunately in German Medical Literature the inaccuracy was customary, namely that percentages were laid down even if the entire total figure is very small. The endeavor to speak of percentages only when the total figure is 100 or over a hundred, and otherwise express these figures in fractions, that is $1/2$ or $1/3$, etc., unfortunately never got through and from my own memory I can only say that I, at least after that lecture, was of the impression that we were concerned with relatively few experiments, that is not to name a figure, perhaps twenty or so, without laying down an exact number.

Q. Well, let's take your figure twenty, since you mentioned it, how reliable do you think your conclusion would be in the sulfonamide experiments, where they used only twenty subjects, some had to be kept for control, some of the number were injected with gas gangrene and some of the number were infected with something else, how about it? What would the conclusion be from an experiment limited to twenty persons, Professor?

A. Naturally, the experiments numbering small figures are not as valid as those with a large series of people, but as I said, I didn't say that only twenty people were mentioned. The case was that I said the impression that this was somewhere around that figure, whether this was actually the case or not, I don't know.

Q. You remember Handloser testified that you helped re-write the medical instructions for surgery as a result of this meeting in May, 1943, is that right?

A. I didn't quite understand the question, if I may repeat, I heard that after the lecture some sort of directives were worked out, was that your question, or would you please repeat it?

Q. Well that is the sense of it. After these reports were made it was part of your job and the other consulting physicians of the surgery group to work out medical instructions which would be issued and passed down to the doctors working in the field, and General Handloser testified

that in fact was the purpose of these meetings, and that in fact every surgeon of the Surgery Meeting in May 1943 helped to write those medical instructions for that year, and I am asking you if that is correct?

A. This is how the situation was. If a number of lectures were held about sulfonilamide, not only Gebhardt and Fischer held lectures, but I think the pathologists and neurologists spoke, there was a surgeon who spoke, and there were some pharmacologists, and all of these lectures, which I think took about a half a day, had to be summarized to one page, and the outlines had to be repeated. This thing was organized and this was done immediately after the lecture, and special periods of the following day were designated for that purpose, when all participants of the surgeon group got together and then conferred upon the subjects of the outline. This is how it was. Discussions were held and changes were suggested. Whenever I dealt with it I dictated in the presence of these gentlemen these matters to a Secretary into her machine, so that all of the gentlemen were in a position to listen to exactly what was laid down as a general directive. That is something that you would call during a scientific Congress, the creation of a summary or resume.

Q. I think we are in substantial agreement, but it is correct, isn't it, you were not engaging in some sort of academic pursuit at these meetings? You were really trying to work up directives in order that the front line doctors would be advised on how to treat troops, isn't that right?

A. No, what we wanted to do was to work out a scientific result of the lectures that were held and the discussions that followed it. How subsequently this was incorporated into the medical services and the directives of the medical service was not our affair, for all of us were really civilians. We were directors of clinics, etc., and were only in the army in a reserve capacity, and our influence with reference to the medical tactical measures to be taken were only with reference to the advising of our medical superiors.

Q. Well, in order to do that, professor, you had to evaluate these

reports, didn't you?

A. You mean the reports of the lectures that were held during the meeting?

Q. Yes.

A. Yes.

Q. All right, wasn't it necessary to find out all the details of Gebhardt's experiments if they were to be properly evaluated, so that any action the Army Medical Inspectorate or one of the other branches carried out on these experiments, would be reliable?

A. I have already said that the Gebhardt lecture was only the first of all the lectures held in that connection. If I remember correctly, the result was that with reference to ordinary wounds, the effect of sulfonilamide was to be considered doubtful, but that only with reference to ordinary wounds, the effect of sulfonilamide was to be considered doubtful, but that only with reference to a few gangrene viruses a certain effect could be determined.

Q. Now, Professor, don't let's quibble around the edges here. I don't care whether Gebhardt's lectures took up 1/5th of the meeting or 1/100th of the meeting, but if I understood it correctly, it seems to me you had to know exactly what Gebhardt did in his experiments if you were to evaluate them in any sort of scientific manner. You had to know how many people he experimented on, precisely what infections were developed in the people, where they were developed and how dangerous the infections were and what treatment he gave and how he put the sulfonilamide in the wound, in what form the sulfonilamide was, whether powder or solid, or whether they took it orally, a thousand questions which you would have to know about and have answers before you could evaluate Gebhardt's experiments. Now didn't you inquire into all of these details?

A. It was not necessary to inquire about these details. The result, if I remember correctly, was demonstrated in the way of curves and whether sulfonilamide was injected into the wound in the form of powder or any other form, is not of such great importance. It is important, whether

in addition to the local treatment of the wound, sulfonilamide preparation are being taken orally, or are being injected. In any case Gebhardt, according to my opinion, followed the results of his experiments in a very clear fashion.

Q. But you didn't inquire and you do not know how many experimental subjects were used?

A. No, I don't know the number.

Q. And you didn't learn of the sex of the experimental subjects?

A. No, I said yesterday that there was never any mention made that these were Polish women.

Q. I suppose it makes no medical difference whether experimental subjects were men or women?

A. No, with reference to the treatment of wounds it makes no difference.

Q. Suppose you had learned that over fifty persons were being used in these experiments, it would not have seemed strange to you that Gebhardt had that many people sentenced to death all at the same place to experiment on.

A. I already said that at that time I was of the impression this was a much lower figure. I don't even know today how many there were.

Q. I am asking you to suppose that you knew they had used fifty, and I am asking you if under that hypothetical situation it wouldn't have occurred at the meeting to ask yourself how in the work Gebhardt got fifty people condemned to death all in the same place to experiment on?

A. At first I didn't know it was all in the same place. Gebhardt said nothing about the place and, as I said before, the question, as you said, is hypothetical. What would I have done if. Such questions, I beg you to excuse me — I am not a lawyer, are very hard to answer. That is a question of opinion but not a fact which has to be testified to under oath.

Q. Well, Professor, it may be that you are correct but I have the intention of putting several more hypothetical questions to you which, I think, are quite valid and I have sufficient reasons for doing that, and while you may find them difficult to answer I would appreciate your best efforts to do so. Now, weren't you really under the impression that these experiments had all been carried out in the same place? Wouldn't it be ridiculous to think that Gebhardt travelled around from one prison to another working on one person here and two there.

A. I must say quite openly at that time I did not have any thoughts about this, a merely local question.

Q. Suppose it had been told you at the meeting that these experimental subjects were women. Would that have disturbed you a little bit or not?

A. It wouldn't have been so comfortable but what I thought myself at the time with reference to the question of people who were condemned to death was the possibility of bringing about a chance for their life. I testified to that yesterday.

Q. We will come to that in a moment. Now, let us suppose that at this meeting in May 1943 you know all the facts, as you now know them, concerning the sulfanilamide experiments of Gebhardt. What would you have done under those circumstances?

A. The way I imagined it to be was an examination of sulfanilamide and now it should be continued to be examined as I said yesterday. In my opinion the way in which I thought this waste be dealt with was the correct one.

Q. I assume then that if you had known in March 1943 that in fact Gebhardt had experimented on over fifty Polish women who stated they had not in fact

tried by any German court; that they had resisted these experiments and not consented to them; that at least three of them, by Gebhardt's own admission, he died as a result of the experiments; that, according to these girls' testimony, five died as a result and six were shot later; that as a result of the experiments one woman had the shin bone cut down so there was left less than one-quarter inch of bone, that she was forced to walk on that leg before it was healed and that it broke again; that all the women sustained horrible and mutilating scars -- am I to understand you would have raised some objection to that at this meeting?

A. What you are saying now was not known to all of us. We know that infections were made -- we heard in a certain percentage of cases infection was stopped. Everything else you have just said was not known to any of the participants in this meeting. We had been told that the legal foundation of the matter was clarified and done with. We had no reason at all to doubt the statement or the other statement of Gebhardt.

Q. Very well, Professor. We are willing to assume for the moment that you didn't know. But, you see, the question we put to you is of some importance because Prosecution is taking the position that you did know, or should have known or to assert the contrary. But, quite aside from that point I am interested in knowing what you would have done if you had known, which is also an important question in this case. I know that you say you were told these things but I want you to assume that you did know them -- that Gebhardt came there and told you the whole story and he marched these five Polish women across the stage before the consulting physician you saw them yourself. I want to know what you would have done under these circumstances?

DR. SEIDL (for the defendants Gebhardt, Oberhouser, and Fischer): I object to this question for the following reasons: This question does not refer to the fact, neither to the external fact nor to the internal fact. Evidently this question is directed to a hypothetical conclusion which is to have a legal question answered by the witness. Questions to a witness can only be admitted in so far as they refer to facts and not to subjected voicing of opinions and conclusions of laws, which the witness has to conclude with reference to event and this is something that has to be designated as fictitious. I, therefore,

ask you not to admit this question.

H. McHANEY: If the Tribunal please, I think everyone understands we put a hypothetical question, that we are calling on the witness to assume certain facts have been here proved and that they did take place. Those are all of course disputed questions but I am trying to elicit from the witness a statement as to what he would have done in the situation I posed to him, and I submit that is important.

Prosecution takes the stand that he did know or should have known. Assuming that the Tribunal takes Prosecution's position with respect to that I think it important to know what this defendant feels he should have done. In that situation does he feel that he was doing his duty to object, does he feel that it was incumbent on him to go to Handloser, for example, who was not the commander but at least the man in charge of the Military Medical Academy where the subject was given and make a report to him? I think those are important questions and the only way I can possibly elicit an answer is to call upon the witness to assume that he did know the facts as I have hypothetically put them to him. Of course, we are not asking that any of the defendants be bound by these hypothetical questions as I give it.

DR. PROBILLA: Mr President, as defense counsel of the defendant Rostock I should only like to point out that this question in its core involves a judgment about a co-defendant and that is a very difficult situation in which we are bringing him, that is when you ask him -- you demand him -- to give judgment about any co-defendant.

THE PRESIDENT: The Tribunal will recess until 1:30 o'clock and then announce its ruling.

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 21 February 1947.)

THE CHAIRMAN: Persons in the courtroom will please find their seats.

The Tribunal is again in session.

DR. SEIDL (Counsel for the Defendant Oberheuser): May it please the Tribunal, Defendant Oberheuser, in view of her physical condition, requests that she be excused from the afternoon session. A certificate by the prison physician will be submitted.

THE PRESIDENT: The certificate from the prison physician is already before the Court. Defendant Oberheuser will be excused from attendance in court at the time of the afternoon recess, it being the opinion of the Tribunal that defendant's interests will no wise be jeopardized by her absence from the court. The Secretary General will file her physician's note.

The objection interposed by defense counsel to the question propounded to the witness by the prosecution, is sustained.

PAUL ROSTOCK - Returned

CROSS-EXAMINATION (Continued)

BY MR. JOSEPH:

Q Professor Rostock, you testified yesterday that you did not know where the sulphanilamide experiments were carried out. Is that right?

A Well, the place where they were carried out is unknown to me.

Q And you did not ask where they were carried out, did you?

A No.

Q Yet knew that Cabaret and Piss or were SS men, did you not?

Q Did you know that concentration camps were under the jurisdiction of the SS?

A I do not know all the details about it and I do not know if it



was an order by the SS or an order by the police.

Q Didn't you have reason to believe, though, that concentration camps were in fact supervised and run by the SS?

A I did not know that so exactly.

Q I understand that you have never visited a concentration camp?

A No.

Q Were you ever in Danzig?

A No. I have passed through the city of Danzig by train, yes.

Q But never stopped over there?

A I do not believe that I have ever been at Danzig or that I have left the train there.

Q Aren't you curious as to where these experiments were carried out on persons condemned to death, that is, how they brought the experimental subjects and the facilities for the experiments together?

A I understood how the experimental subjects were brought together. That did not interest me as I was not that curious.

Q Can you tell us anything more definitely what Gubner't and Fischer said about these experimental subjects?

A I have already stated yesterday that Gubner't said that persons who had been condemned to death were involved and that they had then been granted a pardon.

Q You testified that Gubner't reported that prominent jurists had approved this procedure. Did he tell you the names of any of the jurists?

A He did not say famous or well known jurists but he said that the jurist's basis had been clarified and had been decided on. He has not used the word famous jurists, nor has he mentioned any names.

Q He did not state who had approved of this procedure, is that right?

A No.

Q Are you told for what crime these persons had been condemned to death?

I have to answer it, then, without trying to make any judicial statement, not having any idea about it, I would say the following: If the person was informed by an official that a death sentence had been imposed and that in the case of survival of this hypothetical experiment, the punishment would be awarded, then I believe that perhaps I would have depended on the information which would have been given to me by the official. That is not a statement of facts but just my personal opinion -- an answer which I am just giving to you without having considered it in detail. That is not an answer to the fact or statement with regard to the fact but it is only an opinion on my part.

JUDGE SPURGEON: Doctor, let us assume that the physician who has been ordered or commissioned to make such experiments actually knew, or from past experience with the subjects has reasonable belief to know, that the subjects would not, in fact, be given to those experimental subjects if they survived the experiment. What do you think, as the standpoint of medical ethics, would have been the duty of the physician in such a case?

DR. HILL: I personally would have refused.

JUDGE SPURGEON: Let us assume that such experiments were conducted in a concentration camp inmates without their consent, in the manner and by the methods contemplated for by the Prosecution. Let us assume that, if you will. In your opinion, as a medical expert, would you say that the experiments were conducted in accordance with civilized medical ethics?

DR. HILL: Even I would not have carried it out then, either.

JUDGE SPURGEON: You think that that would not be in accordance with medical ethics as you understand the ethics of your profession?

DR. HILL: I would not have approved of those experiments.

BY MR. MC MAHEW:

Q Professor, does it satisfy your sense of legal ethics to make a deal with a criminal condemned to death that he will be pardoned if he undergoes a dangerous experiment and survives?

A I have already stated that if I was to be in the position of the criminal, I certainly would take that chance, but if I was the physician, I would refuse; I would refuse to carry out such an experiment. That is my private opinion.

Q I understand, Doctor. Now, can you tell us in any more detail just exactly what Gebhardt and Fischer said at this meeting; I would like for you to cover the presentation of the curves that you have already mentioned; tell us how many curves, what the curves showed, etc.

A I really cannot tell you that; I do not remember that anymore. We were assigned to hear so many lectures, conferences and meetings and there were quite a number of conferences every year, but it is completely impossible to remember them so completely that I could testify to that now. I am unable to do that.

Q Can you recall whether or not he made any report on blood level tests, that is what they called blood level, at the time they were using sulfanilamide?

A Yes, that was done. It was debated how much sulfanilamide was contained in the blood after a blood test had been made, but I do not know if Professor Gebhardt did that.

Q As I recall from your testimony yesterday, you stated that Gebhardt also made a talk on nerve rejuvenation experiments; is that right?

A I believe that Koestler was working on that; that Koestler gave a lecture on it.

Q Well, did Gebhardt give a talk on any matter other than these sulfanilamide experiments; in other words did Gebhardt or Fischer or any of his associates report on the nerve and bone rejuvenation experiments?

A. No, I remember that this lecture about muscle and nerve rejuvenation dealt with the fact that the part of the muscle had to be rejuvenated, as in the case of the shoulder blades, from other nerves which had been rejuvenated. That was a field in which Dr. Gohhardt had published quite a large number of articles in recent time for the rejuvenation of paralyzed nerves after cases of infantile paralysis. At the time I had the impression that whatever was presented was the result of all of this study, however, I have never talked about it with Gohhardt. I believe it was called nerve plastics, but I am not absolutely certain about it.

Q. But, to the best of your recollection Gohhardt did not speak on these subjects in May of 1945?

A. In May, 1945 a lecture was given about rejuvenation operations after the removal of nerves; it was made by Keestler. Dr. Gohhardt may have made the introductory speech, but Keestler gave the details.

Q. And there was no indication that these experiments had been carried out in a manner similar to the sulfamylamide experiments on which Gohhardt reported?

A. Nothing whatsoever was said about it.

Q. I understood you to say yesterday and again today that in 1942 you had planned to make certain experiments as to the use of sulfamylamide yourself; is that right?

A. Yes, I had discussed that.

Q. Were you going to carry out your experiments on wounded soldiers?

A. You cannot describe that as experiments, but as persons treated, soldiers wounded in combat and persons injured in accidents were to be treated. This method of treatment was to be observed and improvements were to be made and of course that certainly is not an experiment.

Q. Your plan was to study the effects of sulfamylamide on wound infections by treating wounded soldiers; is that right?

A. Yes.

Q And in your opinion, as a medical expert, would the results you obtained from that kind of testing sulfamidoide have been quite satisfactory?

A The series of observations that are made, what the outcome will be no one can possibly know; that is to say I would have treated a number of injured persons and afterwards I would have combined the results, but if then the answer to the question would have been found if a wound should be treated with sulfamidoide or not, I cannot know that ahead of time, because if I knew that, I would not have had to ask the examination.

Q I probably did not make myself clear, let me replace the question more directly. In your opinion, would the results which you hoped to obtain by testing sulfamidoide on wound infections of soldiers have produced scientific results as valid as those obtained by Gerhard in the course of his experiments?

Court I

A. Such examinations are carried out in many places in the world. One single examination is never so important and only when the results of your examination have been confirmed, or it has been disputed some other place, then you can speak of it as an important matter. Whatever the individual scientist achieves, that at the very best is a stone in the whole pattern of stones, but then of this one stone he can not claim that it was the foundation stone. This meets with the compilation of many examinations at various different places, also with varying applications.

Q. Well, assuming that you tested sulfamylamide on as many wounded soldiers as you thought statistically necessary, would not the results obtained by you have been as valid and as reliable as those obtained by Gebhardt in his experiments on an equal number of subjects?

A. Of course, I hope that my examinations, which after all were not carried out and this is a hypothetical question, that they would have been as valid, but of course I could have to leave criticism with others, it does not rest with me.

Furthermore, and I did not state this in detail yesterday, my work was more concentrated on basic research, therefore I tried to obtain psychological chemists, collaborators and other persons. We tried to discover in what manner the sulfamylamide had a different effect from what we had in those infecting drugs up to now.

With your permission, I can give you the basic lines on the subject in a few sentences. If I put a disinfecting medicine into a wound, iodine, then we know with a certain concentration this iodine will kill the bacteria located in the wound. However, before it can do that, it will to a much larger extent harm the cells which surround the wound in the human body. As a result of this, the injury done to the cells in the vicinity of the wound is always bigger and always occurs in the earlier period of time than the harm which is done to the bacteria. These sulfamylamides have quite a different effect. They influence the growth of the bacteria without inflicting any considerable harm on the surrounding cells. They cause some harm, but it is

not work maintaining and that the result at the very best is that the bacteria within the man can then be consumed by the defensive mechanism in the human body or that the bacteria is prevented from growing and reproducing.

In 1945 the situation was not as yet as clear or as clarified as I have expressed just now and in order to achieve the clarification of this question that was my main interest at the time.

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In the meantime exact results were achieved in various places throughout the world, and that I am describing now was the knowledge which we had obtained in the years 1942 and 1943. I knew today that research had progressed a little further ahead than it had with us. As a result of this my aim in these experiments varied considerably from what Gohhardt had intended because, on the basis of lectures which he had given, his questions were as follows: Are the results of healing a wound which has been infected with gangrene bacteria and other bacteria, are they better with the effects of sulfonamides than without them?

I believe that was the way that Dr. Gohhardt asked the question. However, I think it would be better if you were to ask him these questions yourself, but that is what I deduced from his statements.

Q Well, in your opinion as an expert, could Gohhardt have answered the question which you state he had posed, namely sulfonamides in wound infections of soldiers?

A That would also have been a way, and that is the procedure which I suggested.

Q Did you know Schreiber very well?

A I did not know him well, but I know who he was.

Q Not about Rose?

A If I know Rose well?

Q No.

A I know how he looked, and I know who he was, and I know what he had done in the field of science, and I know about his tropical hygienic knowledge, but outside of the usual social contacts I have hardly had anything at all to do with him.

Q And you never heard about Rose's relations to Dr. Schreiber's statements as he allegedly made at the Hyderabad meeting in May 1943?

A I have heard that name for the first time.

Q Did you know Dr. Ding?

A That name was completely unknown to me until I came here.

Q And I think you told us this morning about Krugowsky. Could you repeat briefly just how well you know Krugowsky and what contact you had with him?

A I did not know him well at all. I know from the faculty list that there was a lecturer of hygiene by the name of Krugowsky, and I must have seen him some place or other. When the request came for a hygienist at the University to appoint him as a regular professor, then I had him send his scientific work to me and I perhaps talked with him for half an hour, then I had ordered him to see me so that the formalities could be dealt with, and furthermore, I was informed about it at the faculty meeting of the hygienists, and I have signed the request to the ministry for the faculty. It may be that I handed his diploma to him afterward, but I cannot say that with certainty, and that is all.

Q Did you attend the meeting of consulting physicians in December 1942?

A 1942? Yes, I probably was there.

Q Did you hear the talk made by Holzschner on cold problems?

A It has already been stated here that this lecture was given in the physiology department, and since the meeting was at the same time as the surgical department, it was, of course, natural that I attended the surgical meeting.

Q Well, I take it then that you did not personally hear his lecture. Did you hear any reports about it?

A In the green booklets which have been presented here I may have perhaps read it, but I didn't read all of them individually. There is no scientist who can read the entire literature. The 24 hours in a day would not be sufficient to enable him to do that even if he wanted to.

Q When did you first learn about treating shock due to prolonged exposure to cold by immersion in warm baths?

A I do not know that either.

Q If I understand your testimony correctly, you state that you had no contact with the Reich Research Council until after your appointment as chief of Dr. Witte's office for science and research, is that right?

A I did not have any contact. I was not a member of the Reich Research Council, and I have never tried to obtain a research assignment from the Reich Research Council. Of course, I know Dr. Sauerbruch, who was the head of the branch, but of course I do not know if you can describe that as a contact.

Q And you became Brandt's alternate on the presiding council of the Reich Research Council early in 1944; is that correct?

A I do not remember the exact date anymore, but I assume that it was the beginning of 1944. It may also have been at the end of 1943, but I do not remember the date so exactly anymore.

Q And you exercised no functions by virtue of that position? You had no activities whatsoever within the framework of the Reich Research Council?

A I have already stated I did not do anything on behalf of the Reich Research Council, but in this morning's session I have given an example that I had to turn to the Reich Research Council.

Q Well now, on that subject I remember only three contacts which you have told us about that you had in connection with the Reich Research Council and they were really with respect to your position as chief of the office for science and research rather than by virtue of being Brandt's alternate on the presiding council.

A I have never functioned as a deputy member of the presidial council. I have never carried out any functions whatsoever.

Q And these three contacts which you have mentioned with the Reich Research Council are, firstly, that they helped you with respect to calling of the meeting in connection with the electronic microscope; is that right?

A Yes, with the penicillin discussions the electronic microscope discussions which had been arranged by us.

Q And secondly, that you went to them in order to try to obtain some foreign medical literature?

A I was trying to obtain foreign literature, and I wanted the new to regulate the war.

Q And thirdly, you had contact with them when you became interested in what you have described as special research assignments?

A Yes, I turned to the head of the special field branch and asked for some research assignments.

Q Those were the research assignments that were in connection with the study of tissue that you mentioned this morning?

A Yes, those were tissue cultures.

Q Well then, there was an additional contact. You will recall that you asked the Reich Research Council to advise you in your capacity as chief of the office for science and research about the special research assignments they had made?

A Yes, I don't think I have expressed myself clearly. At that time we had discussions with the men from the Reich Research Council about the fields we described as requiring further research, also in view of conditions which had become increasingly difficult through the war, and the members of the Reich Research Council also participated in these discussions.

Q Well, when were these meetings held and who participated in them?

A That may have been around the middle of 1944. Schreiber was there. I do not know exactly anyone if Dr. Weiss was there, but I assume that he was, and I know that Dr. Schuruch was not there. He was unable to come, but Dr. Bremer came as his deputy, and I believe that this name has already been mentioned here.

Q All right. You had a conference then with Schreiber and Bremer of the Reich Research Council. When did this conference take place?

A In the summer of 1944. I would say in the summer of 1944.

Q How many such conferences did you have?

A There were one or two such discussions, but there were not only the members of the Reich Research Council there. I was attending to the same agency. That was the Reich office for the extension of the economy.

Q What was the purpose of this meeting?

A I have already stated that. We wanted to find out what larger field of research was required as requiring research urgently in the summer of

Q Well, I take it then that you had some influence over what research assignment was to be considered urgent and what was not; is that right?

A I had the same influence as all the other men there. We just argued each other there. There were views for and against voices.

Q Did just no such meeting take place?

A I believe I can remember that two such meetings took place.

Q Where were these meetings held?

A These meetings took place in Dublin.

Q That is in your office in Dublin; is that right?

A Yes.

Q Couldn't you decide in agreement with these other gentlemen that the research work of August Kirt was urgent and should be supported?

A I stated already yesterday or today that it was not a question of saying that any specific research assignment was important or not important, but it was only a question of determining these things within the larger framework.

Q. Did you ask the Reich Research Council to tell you who they had working on special assignments in these urgent fields?

A. No, I stated that the card index filed with respect to research was just being started. The Reich Research Council had answered my question and had sent me some lists.

Q. Well, what was decided at these two conferences?

A. I have already stated yesterday or today that we agreed on what field should be given the most priority. There may have been a dozen or three or four more.

Q. Well, let's mention a few of them. I am interested in what fields you regard as being urgent.

A. It's too difficult to express or give an opinion about that under oath and it is especially difficult for me because I do not have a single piece of paper to support myself on. I have not had the possibility to confront myself or to discuss this question with one of my collaborators and I understand my oath in such a way that I can only testify about something which I know with the utmost certainty and in this way I have answered the question yesterday, that I consider that it is probably that the Chemical Warfare Agencies were contained in the list. I also say that today and under the same prerequisite I can name the penicillin, the combatting of epidemics and similar matters. All of these things, I believe were included in the list but if you ask me today under oath that I am to name these twelve fields to you, then I must say under this condition I am unable to do that. If I could consult with my collaborators I certainly would be able to give you these things in detail.

Q. Well, you have mentioned Chemical Warfare and combatting of epidemics which, I assume, includes research on typhus vaccine?

A. I do not believe that it was late in the war especially but we said typhus, typhoid and diphtheria, etc., so it isn't especially probable and just stated the question of epidemics.

Q. All right; you decided in this conference that this or that field required urgent research and priorities to a certain field. What did you do then? Did you take any further action?

A. May I ask you -- did I hear clearly that I decided it?

Q. Well, doctor, you decided it along with others; Schreiber and Breuer I think you mentioned, and some other gentlemen. I suppose you reached an agreement that a decision was made and you participated in the decision. Now, I am asking you if it was decided what fields were important and urgent. What did you do then?

A. After this list had been compiled I wrote to the Ministry for Armament that under special consideration of the war conditions we would also consider research in those fields as important for the continuation of the war and that is the technical term of that kind. We considered it as being of decisive influence in this respect. I must say that this was decided for the war. It is also an administrative term. I do not believe that any such research in any field would have had any decisive influence on the way any other way but it was only a term which was used in administrative work.

Q. I am curious to know, professor, how you can decide whether this or that field or research is urgent without being advised as to what man you are working with in that field and what they are doing with respect to it.

A. That wasn't the important factor. The important factor was to maintain the possibility that work could be continued in any field.

Q. Didn't you make any inquiry at all as to who was working in those fields and whether or not what they were doing was apt to produce anything worthwhile?

A. The decision about it, if something was valuable or not, this was afterwards decided with the other agencies. That is to say, when we had considered these 12 units as important then it was really the branch head and the Commissioner of the Reich Research Council now to say from the list I have here I shall now cross out a certain number of research assignments but then let us consider the way this would be done in practice; the head of the branch could only cross out the financial support which was given but nobody could prevent him from further working himself in that field. That would be the same thing if I was to tell somebody who was present here, you are not allowed from now on to think about this or that subject any more. And I do not think that anybody would consider me as stupid as that to say anything of that kind.

Q. Well, professor, I think you can push the other point a little too far. Now, as a matter of fact, if Hagen Gown at Strassburg and Metzweiler weren't

getting money from the Airforce or from the Reich Research Council to carry on his typhus research the chances are he is just going to have to quit carry them on, isn't it, doctor?

A. No. First of all this was not in the field of my competence. I was not allowed to permit it or prohibit it. Not, let us take a concrete case; Hagen had a certain such assignment with such and such a number and it was filed about typhus research. The head of the branch could have had him sent a notification from that and that would mean you will not receive your monthly financial support any more. Then this would have had the result that Hagen would have had to dismiss an assistant or collaborator because he could not have continued to pay him any more but after all, a research assignment did not have any other consequence and continue on with this experiment. The possibility to tell Hagen, you are not allowed to do anything any more in the Concentration Camp of Maltzweiler, that wasn't the authority of the branch head of the Reich Research Council and the Medical Inspector of the Luftwaffe did not have that authority either but as far as I know that the only man who had that authority and decided that a man was to enter a concentration camp or not that was, in my opinion, the responsibility of the individual agencies and I assume it was correct.

Q. Well, I don't want to pursue this too far, professor, but if the Luftwaffe sent an order down to Hagen, who was a consulting hygienist, and said you shall quit working on yellow fever vaccine because it looks like the German Wehrmacht is not going to get into West Africa but we are very much concerned about typhus problems in the East, you will devote your efforts to typhus vaccine research, I suggest to you that Hagen would start working on typhus vaccine.

A. He probably would have but that -- I do not know that.

Q. And as a matter of fact, if the Reich Research Council were subsidizing Hagen for yellow fever experiments carried out on inmates of the Maltzweiler Concentration Camp and they decided that that was no longer necessary in 1943 because it didn't appear you were going to need any yellow fever vaccine, and I no further give you any money, only for working on a typhus vaccine, don't you think as a practical matter that Dr. Hagen would work on typhus?

A. Well, that may be the case but I am not of the opinion that the man in the Reich Research Council, who gave Hagen the assignment to work on typhus, that this man would have told Hagen in the very words, that you are going to work in such and such a concentration camp and I assume today that that was the case. I believe that Hagen turned to the Reich Research Council and said the following; --this is, of course, a hypothetical assumption on my part. I do not know what Hagen said but I believe that he said the following: "I would like to work on a new typhus vaccine; please give me a research assignment and support my work", but I will never believe that Hagen told the Reich Research Council or one of the men there: "I would like to infect people with typhus in Concentration Camp Natzweiler." Of course, I have to assume that this has taken place at all. I cannot say that but my personal opinion is that such negotiations actually never took place.

Q. Well, Professor, if it is any consolation to you, I rather doubt that Dr. Hagen would be that indelicate myself. If you decided in the first meeting with Schreiber and Breuer in 1944 that twelve fields of special research were urgent, for what reason did you hold the second meeting?

A. We had not clarified this matter completely. The first session was a preliminary one, because I had heard through other ways that the Ministry for Armaments had made some plans, had intended to do something, but afterwards we received instructions, not an order, and then we had to occupy ourselves with these concrete questions once more.

Q. We will return to this point a little later, but for clarity, let's start at the beginning of your position in the Office for Science and Research. How frequent was your contact with Karl Brandt after September 1943?

A. That varied. It may have been once per week or several times per week.

Q. Where was Brandt's office located?

A. First of all, it was located in the clinic, and then the office which he has mentioned in the Reich Chancellery and then again at Bielitz.

Q. Well, he maintained throughout the period from '43 until the end of the war an office in the University Clinic, didn't he?

A. He had his office there, yes.

Q. And where was your office located with respect to his?

A. It was located in the same clinic.

Q. In the same building?

A. Yes, in the same building.

Q. How close were the offices physically within the building?

A. Between our two offices there was one waiting room and two writing rooms.

Q. But physically, very close together? Is that right?

A. Yes.

Q. You spent most of your time in the office at Segelstrasse,

didn't you? That is, the office in the clinic?

A. Yes.

Q. Now, I am not quite clear on the purpose for which the Office for Science and Research was created. What was the fundamental concept which gave rise to this office?

A. I gave the exact reasons for that yesterday.

Q. Professor, as I told you before I began my questioning, there would necessarily be a bit of repetition in this, for which we are all sorry, but in order that the picture is perfectly clear to me and the Tribunal, I think it is necessary that we have a little of this repetition, so will you tell me again what was the basic purpose of this Office for Science and Research?

A. I was trying to help German science, as I stated yesterday. It was threatened in an important part, namely, in the research that was carried out by those schools of higher learning. It was endangered with regard to its possibility of carrying out research, in its literature at home and also the foreign literature. This was one complex.

The other complex was that Brandt needed somebody for the economic questions, which in reality caused quite a lot of work. If I only mention one example in that sector, then that was only one example, but there were quite a number of these examples. This was very difficult. You can imagine that if you want to cause the chemical industry to reduce the production of some item, a large number of influences make themselves felt, and Brandt was trying to handle this matter from the clinical point of view as well as possible.

Q. Was not the basic principle that of coordination, as it says in these decrees?

A. The coordination, as I have already expressed several times here -- That always was caused by the bad economic situation.

Q. Didn't it go a bit further than the economic situation? weren't you concerned with the coordination of research itself?

A. No. I have already stated that for me the most important thing was to maintain the fundamental questions of research. Basic research will always be carried out, as a side product. It will not need any support, but the factor in which Germany had been great so far was about to be destroyed, systematic, unlimited research. I believe that it was in the interest of many men to maintain this work.

Q. But you never in the course of your activities with this office exercised control over research in the sense that duplication in special research or basic research would be eliminated, to the end of more effective use of personnel and material?

A. No, I did not do that. I failed to do so for the following reasons: First of all, I considered it as something good when several people were working on the same project. That is the basis. It was not simple and still is not simple to make this situation clear to bureaucrats in the ministries. Therefore, I have actually never intervened. Therefore, if from the Ministry for Armaments -- This is again hypothetical deduction on my part -- If I had been told, "why don't you see that in this place or such a place the same thing is being done?", then I probably would have looked for reasons in order to be able to explain why it was necessary that both places engage in the same kind of work. That is the way I would have approached the problem. I would not have stated, "I have something to say here, and I am going to prohibit, and only this one place is going to do this work".

I believe that it is necessary throughout the world in order to achieve a goal that sometimes not absolutely straight ways be followed. Very frequently you can get further if you make a small deviation to the right or the left.

Q. Herr Professor, I am not inclined to disagree with what you have said. It makes considerable sense, but I also put it to you that it makes equally good sense to coordinate those persons who are working in the same field, to bring them together, study the work being done by the others and to make a close-knit research group out of them. Did you

never have that idea or use your influence in that direction?

A. I have carried out the idea, as I have already told you, in arranging discussions where scientists who were working in the same field of research were brought together and where they had to listen to lectures, who then had personal discussions and were able to discuss all these problems. Therefore, in order to further a problem, I would put two scientists together who were working on the same field of research, but I would consider it as an absolute mistake to tell one, "You can not work on this problem because another person is doing it," and I have never had the possibility, and I have never had myself informed at some institutions what such and such a professor is doing at that institute. First of all, that is not done with academicians. I would not consider this as honorable.

Furthermore, I would like to state, just where am I supposed to have gotten the time to do that. If I take a very small university, let us call it Abhausen, if I wanted to gain information as to what work was being done at that university, then I believe that four weeks would not have been sufficient for me to do that. How should I be able to do that, besides all my other activities? That would have been practically impossible. I believe that there is a somewhat wrong idea about the amount of work that a man can do, especially with regard to the conditions that prevailed in Germany in 1944. I do not know how conditions are now, but then it took two days for us to go from Berlin to Munich, and perhaps it may be that things are even worse today; I don't know.

Q. That is very possible. Her Professor, did you ever undertake to coordinate with scientists working in the special research field, such as chemical warfare?

A. Yes.

Q. If you had been a member you heard of these names mentioned, I dare say, you know the. You heard the name of Hirt, and you heard the name Beckenbach?

A. Hirt, yes of course, he was known to me because he was consultant of the pharmacologist with the Army Medical Inspectorate.

Q. Let's take the name of Wirth?

A. Yes, Beckenbach and Wirth. Let's take Hirt who was at Strassbourg, who may have carried out the lost experiments, that I did not even know, and I actually hesitate to say anything about a person who is dead, but I have all respects about the Generalarzt Wirth in the field of combating chemical warfare agent. I did not think his results which he achieved was very outstanding, because what is contained in his report was generally known. He did not tell anything new to any practitioner or any surgeon. He stated in a report here of a certain protection for the liver which is appropriate in the case of injury; these are facts which even most of the laymen know in Germany today, and no new examinations are needed in order to find that out. If Beckenbach and Hirt knew each other, I don't know.

Q. In any event you never made any effort to bring them together?

A. I never tried that, no.

Q. You swear that you did not know the name of August Hirt in the period of 1943 to 1945?

A. Of course I knew the Anatomist Hirt, the name of the Hirt who was working at Strassbourg. That August was his first name, I don't know.

Q. Did you know he was working in the field of chemical warfare?

A. No, I did not know that.

Q. You heard mentioned of Beckenbach, and his experiments on monkeys, which Karl Brandt went to great trouble to fly all the way from Spain, if I recall. What do you know about Beckenbach?

A. Of Backenback I know that he was not in turn a professor at Strassbourg; that he had been sent by the former chief Stein from Heidelberg to Strassbourg, and I was interested in him. That there was a cyclotron at Strassbourg, which was under the care of Stein, and another physician, whose name I do not know, and, since in the field of isotopes I was particularly interested, that is the reason I was thing of Strassbourg. With respect that there was another one in Germany I only found out in a later period of time.

Q. There had been some mention here made by the defendant Brandt that Backenback was working on ph. ones. Do you know about that?

A. I do not know anything at all about it.

Q. You said something about your jurisdiction over science and research being limited to Brandt's special tasks, is that right?

A. Yes.

Q. I take it then that insofar as Brandt's office undertook the work, connected with science and research for September 1943, that you were informed is that right?

A. Well, for example, as to the chemical warfare matter I was not informed. If I remember correctly Brandt had testified about it.

Q. He testified to some extent about it, but he did not testify to your knowledge of it, and it seems to me strange that if Brandt were given a task in the field of science and research at the time you would know nothing about it, inasmuch as your power was derived from Dr. Brandt. You were not mentioned in the September 1943 decree. That office of science and research was set up by Brandt, and I put it to you, that you must have been informed about Brandt's work in science and research, and that by virtue of your job, is that right?

A. No, that is a mistake. I did not have to deal with everything that dealt with science and research. I had to do this as you have described, and Brandt has testified to quite a number of other tasks that were handled by him alone, and one of them was conducting of chemical warfare. I perhaps may point out in this connection that this order for secrecy,

which my defense counsel has presented I believe as Exhibit 3, it is clearly indicated that information was only to be passed on to another person if it was necessary for him to know it, and, if a person had the assignment to work in one field here, then he was not allowed to pass on the information which he had to the other person, even if that person was located in the next room.

Q. It is quite true Herr Professor that that secrecy decree is a much used document by the defense. Suppose you were to receive a report on scientific research, would it be passed on to you?

A. Not necessarily. May I point out a report of Hirt which had been mentioned, it was given to Brandt and I never received it. I have seen it here for the first time.

Q. Although you had designated chemical warfare research as being urgent, you never saw a report on chemical warfare research?

A. At the moment I can not remember exact dates, and I do not know the date of this report. I do not know when it may have been submitted. It is possible that was submitted previously, but I do not remember the date. I did not receive the report.

Q. Did you ever receive any medical report?

A. I have already stated today that every half year I received this booklet from the Reich Research Council. Perhaps it may have contained the report of Hirt, but I do not know that any more today. I believe that it is asking too much that I should know all of that. I don't believe that one of the defense counsels could be asked to know of an article that was contained in a jurist weekly journal in 1944. I believe that this exceeds somewhat the power of concentration of a human being.

Q. Professor, you were listening your own memory with that problem. I don't ask the question to you. Did you ever receive any other medical reports, that is, other than those reports published every six months by the Reich Research Council?

A. It is quite possible. However, I would like you to consider that I must make my defense here without having any documents to measure it on, without having spoken one word that my collaborators for a period of two years. Therefore, it can perhaps be understood that I can not remember any details about a minor matter which occurred about three years ago, that I should still remember it exactly at this time, in order to be able to testify to that fact under oath. But the fact, if I have to make my testimony in such a way that one day the same prosecutor confronts me, or some other prosecutor, to tell me I have committed perjury, then those details I can not remember.

Q. Well, Mr. Professor, you can rest assured that I am not going to try to trap you or trip you up with any petty contradictions, and, if I should make an effort to do so, I am quite sure that the Tribunal will not be influenced by it. Now can you remember whether you received from any scientist working on a research problem a report?

A. That is quite possible, that may very well be the case, but if you were to ask me now, could you name any such report, I would be unable to do it, however, I received it.

Q. I thought that you might have personally been interested in a given research problem, and to have received reports on it. Did you have any such interest that you now remember?

A. My interests naturally were concentrated for the most part in surgical problems, and fields similar to it. If you need to have an example I can tell you that I had a rather lively correspondence with Dr. Killian who occupied himself as to finding the formula in his research in order to find penicillin, because he did not have the penicillin stores of the United States in Germany, and persons who went ahead to take part in this discovery, and, since we were interested, we naturally were trying to find such a formula. Killian at Breslau, and several at Darmstadt, Posen and Berlin were trying much to discover that, and in order to come back to the other chapter, since sulfanilamide solutions did not seem as miraculous to us, I had the greatest interest

to see that penicillin would be at hand. Well, the fact that we were not successful was due to fate.

MR. MCANNEY: Does the Tribunal wish to recess at this time?

THE PRESIDENT: The Tribunal will be in recess for a few minutes.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session. May it please Your Honors, defendant Oberheuser, having been excused by this Tribunal, is absent for the balance of this afternoon.

THE PRESIDENT: The Secretary General will note for the record the absence of defendant Oberheuser, pursuant to excuse.

PAUL ROSTOCK * Resumed
CBGSS EXAMINATION - (Continued)

BY MR. MC HANEY:

Q. Professor, you drew a distinction between basic research and special research. When was it that you started looking into special research?

A. Of course one cannot specify that to a date, namely that up to one point I had one interest in mind and from another point I started with my other interest. Essentially my interest was with basic research and in the background there were other interests.

Q. Well, when did you start compiling an index on special research assignments, do you remember?

A. You mean this research card index? I think that was summer 1944.

Q. Well, had you received any information prior to the summer of 1944 concerning special research assignments?

A. That is quite possible that somebody informed me about it but this matter was never listed systematically before summer 1944.

Q. Were basic instructions sent out to the various branches of the Wehrmacht to report to you concerning their special research assignments?

A. Basic directives I could never issue. I requested to be informed.

Q. And when did you request to be informed?

A. That happened about at the same time.

Q. Well, what about Schroeder's statement in his affidavit that he gave you copies of research assignments? I understood his statement to indicate that he started doing that around the first part of 1944, when he took off as Chief of the Medical Service of the Luftwaffe.

A. I said before that was an agreement between us, an oral agreement.

I might use the expression "gentlemen's agreement". Whether that was in April 1944 or May I cannot tell you, but Schroeder, as far as I am informed, became inspector on the 1st of January 1944, and I think it is highly improbable that he immediately went to me. He had a number of other things to do in addition to visiting me. During such a personal meeting we discussed the question and agreed that this matter would be handled in this fashion.

Q. Did you have such gentlemen's agreements with the Medical Inspectorate of the Army Handloser?

A. Yes, that is true.

Q. What about the SS?

A. I already said that a request went out to the SS and I think the morning I described the answer which I received.

Q. A similar request to the Reich Research Council?

A. Yes, to the Reich Research Council, too.

Q. And the Kaiser Wilhelm Institute?

A. No. I only spoke once to Professor Pockenmueller of the Kaiser Wilhelm Institute in view of the brain research work which was mentioned yesterday already. He was one of the leading men in Germany in this field since Berger had died.

Q. Did these requests go out to the universities?

A. No.

Q. Well, were there any other agencies to which you sent these requests other than the ones we have enumerated?

A. I already mentioned the Reich Department for Economic Building. I think this was an authority of the Four Year Plan but I am not quite sure about that.

Q. Will you tell me again what the purpose of your interest in these special research assignment was?

A. I wanted to get material in order to be able to deal concretely with the Armament Ministry whenever such intervention which I disapproved of actually took place.

Q. Well, what use did you expect to make of this mere statistical information which you received with the Armament Industry? What did you expect to be able to tell them with respect to these special research assignments?

A. For instance, whenever the Armament Industry would have carried such an interference I would have had some material basis in order to be able to tell these gentlemen for what special reasons I thought it was advisable that this kind of work be continued. As I said before, these interferences

were only possible by circumvention; namely, the economic sphere. That is, the material contingents which we received up to that time, iron, etc., could have been stopped or the personnel which we used could have been drafted to some other agency or compulsory service or something like that. In this connection there was, shall I say, a very unobjective opinion for what was forwarded by a few agencies; namely, the saving of personnel hardly came into question. These few hundred people that they could have drafted and could have used in an unskillful manner really played no part at all. Seen on the whole, we Germans, compared to the Englishmen, and I think the same applies to the United States, did this war in a basically wrong manner. The Englishman at the beginning of the war furthered and assisted his scientific institutions and built up a very strict organization concerning England, as it was once published in an article in an English newspaper. We, or a few leading Germans, were of the opinion that the scientist would have to carry a rifle, and they did not realize that this man could do much much more in his institution than as an infantryman or a clerk or some other duty at the front. This wrong conception which we had throughout the entire war I tried to correct. That, of course, could not be demonstrated publicly in any way but through little efforts this man and this man would have to be taken out from whatever he was doing. And may I perhaps relate an example to you how this was handled. In Germany some process for seeing was introduced. That is, in order to enable a blind man to get some view of space. It can be compared to another apparatus which gives a flier some picture of the air through clouds. We tried to get that but we didn't quite make it. One man who was working on it, a physician, was drafted. When we tried to find out what he was doing, we saw that he belonged to some kind of a front formation where they were digging ditches or something like that. And we had great efforts to get this qualified technician who could reverse this work, to get him out of what he was doing and place him back into his laboratory. That could not be done by the general orders but we just had to get them out singly, one after the other. And what I am describing here now within a half minute is the work of months and months. And this was a further part of the work.

Q. Professor, I can understand that, but in the example you gave us, I submit that it took a knowledge on your part as to what this technician had been doing which was so important, an appreciation of his real value in a scientific work, and with that information you can then try to prevent his being drafted. You can try to make an effort to get him back into his research work, but that kind of effort requires some knowledge of what he was doing and how he was doing it. If I have understood you correctly, you have protested at great length that you had no such information with respect to the scientists working on the special assignments, so I am at a loss to understand how you expected to use this mere statistical information that August Hirth was working on chemical warfare at Strassbourg, that he had a special assignment from the Reich Research Council, and that it had priority number 4,000. What good is such information as that to approach the Armament Ministry, or anyone else, for that matter?

A. I don't know whether Hirth had a priority number 4,000 and I do not know what that means. That was a science in itself. I only know that the SS degree, that is something that had nothing to do with the SS formation, was subordinated to the BG degree. But within these degrees, for instance, it meant that the numbers 500 to 1000 were less urgent than the numbers 3,000 to 4,000, which perhaps were very important. But that is just an example. Whether Hirth had priority number 4000 I don't know. And if I had found it out at that time, there would have been nothing I could have imagined by it. Perhaps Dr. Blome or Sievers could speak about this organization of priority numbers. I don't even know whether they know it. I, at any rate, do not.

Q. Herr Professor, let's see if we can't make this thing perfectly clear. Quite frankly, I don't understand it and I think it is to your interest to try to make us understand it. You have stated that you feared that the Armament Ministry was going to shut down a lot of essential research work. Because of that fear you sent out requests to the various branches of the Wehrmacht exclusive of the SS - well, you included the SS - and also to the Reich Research Council. As a result of these requests you got in reports from them which stated that this or that man was working in a certain field

of scientific research. For example, he was doing virus work. Take Dr. Hagen, just by way of example. As I understood your testimony, you stated that the Reich Research Council, for example, would send you a sheet on which Hagen's name would appear; the place where he was working, which would be Strassbourg, the field of research, which would be virus study, and I think you also mentioned that a priority number might also be listed. So, in fact all you received was statistical information. Now I am trying to find out just exactly how you expected to use that information and what you did with it, and I am having difficulty understanding that with this mere statistical information you had anything to persuade the Armament Ministry that it should foreclose further research in the field of chemical warfare. There is just no argument to be sucked out of these names and fields of research to show whether or not ...

A. May I again describe hypothetically what would have happened if only somebody that wanted assistants approached me. If somebody was doing well he didn't approach me. He could manage himself. Supposing Mr. Haagen did not get assistants, or if that assistant was withdrawn from him in his research work, then probably he would have tried everything that was possible to maintain his work. He would have turned to the Research Council. Since he received an order from the Luftwaffe, he would have turned to the Luftwaffe, and according to the good old principle that it is better to have more irons in the fire than only one, he would have approached me too.

Now, if I had been convinced that this research work carried on by Haagen was important, then probably I first would have asked him to describe exactly what he was doing. And if this information had been satisfactory for me, then I would have telephoned the respective agency or would have written them a letter, and I mean the agency which caused this stop, and I would have tried to explain to them why I thought it was advisable for him to carry on this research work. And in order to do that at first I had to have some kind of a material basis. But, as I said before, all of this could only have been done if, from the outside, somebody had brought these things to my attention, and I can perhaps explain that, using the case of this physicist, and you were so surprised about it.

That's how it was. I visited a surgeon in Freiburg whom I knew. That was purely because of surgical interests. During the evening I saw the rector of that university there as well as the physicist, and they told me about it. And, since I realized that this was a case of emergency I tried to do something about it. To my shame I have to admit that up to that evening I didn't know of the project that he had in mind, and I could not even imagine that such a project was at all possible or likely. It was a mere accident that brought this fact to my attention, and since I thought that this was an important matter I tried to help. That is just one of the problems we had to cope with in Germany by way of improvisation. It wasn't at all that I took this out from a number of reports. For instance if I had not gone to Freiburg that time I would never have found out about

Q. Well, where does all this leave us with respect to the purpose in having these special research assignments reported to you, and where does it leave us with respect to the use that you made of this information?

A. I don't know. I personally believe that I just told you for what purpose I wanted this information. In order to picture it more clearly I couldn't possibly go through every card index and control every experiment. I think I made that clear, and I want to repeat again that for the entire field I had four assistants and three girls, and you ask your secretaries how large the work of the secretary really is. I think we, who are used to dictating, sometimes underestimate the work of a secretary.

Q. Now, do you mean to say that you had these special assignments reported to you and you made a file of them just on the off chance that the Armament Ministry would close down research work by this or that man, whereupon you expected that man to come to you and you would then gain information about exactly what he was doing and would then take up his case with the Armament Ministry; is that the right picture?

A. Yes, that is approximately right, and another purpose was to tell the gentlemen in the Armament Ministry, "Look here, here I have a box of files. This is all contained in there and please have enough confidence in me that I eliminated everything which was superfluous on the basis of my knowledge." And again and again I have to say that in every case the economic considerations were of importance. Nobody can in any way prevent any mental activity.

Q. Now Professor, if you were going to make any representation to the Armament Ministry that this box of files represents urgent special assignments in the field of research and that you have weeded out all the non-urgent assignments, and hence they should continue to support these urgent assignments, I put it to you that you would have to have a pretty good knowledge of what these scientists were doing in their field before you could make any representation to the Armament Ministry that their work was important and was urgent.

I submit to you that to classify urgency in broad fields means next to nothing. The important thing is the caliber of the person doing the work, his ability, and the particular problem within the broad field on which he is working. Am I incorrect?

A. I don't know whether the translation was very exact. May I perhaps repeat it in such a manner? I only knew that a certain gentleman located in a certain town was working on a certain research assignment. Now, that he did in detail I certainly did not know because on this card index it only said -- well, I can give you the examples as they are contained in Document NO-691. That's all I knew -- no more. And when yesterday I mentioned Galvan narcotic, as it was taken from that document, then in no way at all did I know in what manner this gentleman was working on his research, not at all.

Q. Well, Professor, you will go along with me though in the thought that this little card that had his name and the place he was working and the field of virus research was perfectly useless information insofar as dealing with the Armament Ministry or anybody else, wasn't it?

A. I don't think I understood you correctly. Do you mean that my relationship to the Armament Ministry with regard to virus was without effect?

Q. No, I mean that simply having information giving a man's name, the place where he is working, and the field of scientific endeavor is information which is useless without more, in dealing with the Armament Ministry, if they threaten his field of work?

A. Perhaps useless is too hard a word in that connection. If serious discussions were arrived at in any one case I certainly would have tried to gain more knowledge on that subject, which was at that time the subject of discussion. That is natural. I ask you to take into consideration that you cannot start an immense amount of paper work, particularly considering the amount of people I had at my disposal. One has to start from the beginning. It certainly wasn't useless, but it was neither very effective. It was just the beginning of an activity slowly working in.

I submit to you that to classify urgency in broad fields means next to nothing. The important thing is the caliber of the person doing the work, his ability, and the particular problem within the broad field on which he is working. Am I incorrect?

A. I don't know whether the translation was very exact. May I perhaps repeat it in such a manner? I only knew that a certain gentleman located in a certain town was working on a certain research assignment. Now, what he did in detail I certainly did not know because on this card index it only said -- well, I can give you the examples as they are contained in Document NO-691. That's all I knew -- no more. And when yesterday I mentioned Galvan narcotic, as it was taken from that document, then in no way at all did I know in what manner this gentleman was working on his research, not at all.

Q. Well, Professor, you will go along with me though in the thought that this little card that had his name and the place he was working and the field of virus research was perfectly useless information insofar as dealing with the Armament Ministry or anybody else, wasn't it?

A. I don't think I understood you correctly. Do you mean that my relationship to the Armament Ministry with regard to virus was without effect?

Q. No, I mean that simply having information giving a man's name, the place where he is working, and the field of scientific endeavor is information which is useless without more, in dealing with the Armament Ministry, if they threaten his field of work?

A. Perhaps useless is too hard a word in that connection. If serious discussions were arrived at in any one case I certainly would have tried to gain more knowledge on that subject, which was at that time the subject of discussion. That is natural. I ask you to take into consideration that you cannot start an immense amount of paper work, particularly considering the amount of people I had at my disposal. One has to start from the beginning. It certainly wasn't useless, but it was neither very effective. It was just the beginning of an activity slowly working in.

Q. Did the occasion ever arise where you had to, for one reason or another, gain detailed knowledge about what this or that scientist was doing?

A. I mentioned the research about penicillin at Darmstadt. That was the same thing. There are other examples where I gained a little more knowledge, where I tried to find out more about it.

Q. You testified that Karl Brandt was told by Hitler in Himmler's presence that he had no jurisdiction over SS research; is that right?

A. Yes.

Q. Why is it that Karl Brandt didn't tell us about this rather significant conversation when he was on the stand?

A. I believe it was mentioned here. I believe I remember that it was.

Q. Well, your memory on that point is better than mine, although I won't say that you are wrong. You discussed with your attorney this morning --

A. I cannot swear to it that it was said here, but I seem to remember -- perhaps Dr. Servatius can confirm it.

Q. You discussed with your attorney this morning Document NO-138 which is Prosecution Exhibit 300, and you will recall that that is a letter by Dr. Haagen to the Reich Research Council enclosing reports on his work with epidemic influenza, spotted fever; that is, typhus, and yellow fever?

A. Yes.

Q. And you were asked some questions regarding the short report on typhus, and you expressed the opinion that there was nothing in this little report which would give rise to any suspicion that improper experiments were being carried out. What do you have to say about the last sentence of the typhus report, where it says, "The anti-infectious effect of dry vaccine should be further experimented on human beings."?

A. I have stated that a vaccine is a material which should create an immunity in the human body and I explained that on handovac dry vaccines. I further stated that, in the case of typhus, the degree of immunity arrived by vaccination can be found out by a very relative test of the blood. Haagen tried to test his dry vaccine in its effectiveness on the immunity. That is what I reported. I'm not an immunity expert, I'm only a surgeon, but that is what I gained from this report. Perhaps you could submit it to an expert. Maybe he will read some more from it but I still understand today, although I know the subject of the trial, I still today as of the point of view the from these words of Haagen you cannot conclude that he tried to carry out non-scientific experiments.

Q. Well, is "anti-infectious affect" the same thing as you describe "immunity effect"?

A. Yes, yes.

Q. Well, do I understand from your statements that it is possible to determine the effectiveness of a typhus vaccine in combatting typhus through the use of this simple blood test?

A. Whether that is possible only by this method is something I should like you to ask an expert. As I said before, in a personal conversation I could give my opinion on it but this apparently is a question which should be directed to an expert physician and, since I am under oath, I should like to ask somebody who is more of an expert than I am, a man who is a research worker in immunity and not a surgeon. I only mentioned this example in order to demonstrate that I, as a surgeon, through whose eyes I read this report, have no objection to it.

Q. Well, Professor, you've been treated pretty much as an expert in

lot of fields by both the prosecution and the defense and I am sure that Dr. Flemming and the defendant Krugowsky will show very keen interest in your opinion about the necessity of those Buchenwald experiments, particularly if you are prepared to say that in your personal opinion they could have tested these vaccines by this simple blood test and could have avoided artificially infecting the experimental subjects.

A. As far as I remember, Dr. Flemming asked me about a surgical problem, namely, the gangrene question, which is a wound infection, and I think that I understand something on that field and I can be called an expert. As a physician, of course, I understand something about typhus - that is a matter of course. But I cannot testify about it as an expert witness before this Tribunal and I wouldn't like to call myself an expert on typhus questions. If I were to make a statement here, quite rightly an expert could come here and say I was interfering with matters which I had nothing to do with and you will understand that a scientist does not want to be told a thing like that, and I believe that the same applies to law. It often happens that a man versed in penal law doesn't know very much about patents.

Q. I take it you prefer not to express an opinion on that subject then Professor, the prosecution has put in Document NO-1620, which was Prosecution Exhibit 449, for identification. You will recall that this letter was put to the defendant Brandt and it was a letter from Grawitz to Himmler, stating that Professor Brandt had approached him with the request to test a new ointment for treatment of phosphorus burns, which was still in the experimental stage, and Grawitz proposed testing this ointment on concentration camp inmates. This letter is dated 30 September 1943, which of course is only 25 days after the second Fuehrer decree. Did you know about this subject?

A. I didn't know anything about the letter. This ointment of this drug factory I know. I think it could be bought at various drug stores in Berlin and we often used it in the case of burned injuries in Berlin. But we never found out anything about any superiority of this ointment in relation to any other ointments. We naturally used it. I don't know whether you can imagine what it means when any large city was attacked and then had

to keep on living and working and in that case one is always glad to have an ointment available, no matter whether it was the most effective or not, and that is the reason we used this ointment. Whether this was used in other places I don't know today.

Q. Well, doctor, the question I want to put to you is whether you know that Brandt had gone to Grawitz and asked him to test this drug, whether on concentration camp inmates or otherwise.

A. No, I didn't know that.

Q. Do you know whether Brandt, or did you, receive a report from Grawitz on these tests?

A. Grawitz to me?

Q. Grawitz to you or Grawitz to Brandt.

A. I don't know anything about Grawitz to Brandt. I cannot remember that Grawitz sent a report and, considering our entire relationship and - I mean, of Grawitz to me - I think it is highly improbable that it ever occurred.

Q. Well, you would remember that if Grawitz sent you a report about experiments he had carried out on concentration camp inmates with whom he burns to test this drug, wouldn't you?

A. I cannot remember any such report.

Q. Well, can you state, therefore, that you are sure you didn't receive one?

A. I cannot say that for sure but I did not retain it in my memory at any rate.

Q. You probably remember Document NO-154, which was Prosecution Exhibit 445 for identification, concerning a conference or a report, rather, on experiments concerning the decontamination of water?

A. I think that is a report which you submitted to Brandt in cross-examination. It comes from some Reich institution of water and air - for water and air questions, or something like that.

Q. That is correct. You will recall that these experiments were carried out on concentration camp inmates at Neuengamme. This report is dated 31 March 1945, long after you had become Chief of the Office for Science and

Research. Did you know nothing about these experiments?

A. No, I knew nothing about them.

THE PRESIDENT: Mr. McHaney, I assume that your cross examination would continue for some time. The Tribunal has a few questions to propound to the witness, so the Tribunal will propound those questions now.

MR. MC HANEY: Very well, Your Honor.

BY JUDGE SEERING:

Q. Professor Rostock, can you say whether or not the immunizing effect of typhus vaccine can be ascertained or determined from a test of the blood of the vaccinated person?

A. With the limitation, namely, that I am not an absolute expert, I can say that I know that this so-called "Weigl-Felix'sche" reaction, as it is called, is not absolutely foolproof; that is, it can occur, that in the case of an immunized person, it has a completely negative effect; that is, no immunization effect at all and that even in the case of a person who already had typhus and went through it and who has, according to our experience, a high degree of immunity, in his case the reaction must be negative; that is to say, it is a failure, but I should like to ask you that, if an expert should appear here during the course of the trial that you should ask him about this question, so that perhaps he could correct my opinion.

Q. If your conclusions are correct in the matter, what advantages are there to be gained in the conduct of experiments whereby persons would be artificially infected with typhus?

A. In this entire experimental assignment I see no essential advantage at all. I would not have carried them through, I personally, that is.

Q. Now Professor Rostock, you have made some mention of the fact that you discussed with Professor Gebhardt the nature of the sulfonamide experiments he had conducted on prisoners whom you understood had been condemned to death but who had been promised leniency if they submitted to the experiments; is that correct?

A. Yes. Well, I heard "discussion." By "discussion" we Germans understand two people talking to each other, that is, one person says something and then the other person says something again. That was not the case. Gebhardt and Dr. Fischer spoke in a large room and held a lecture. One of the others among these hundred or more participants was I; but, of course, no conversation between Gebhardt and I took place about this matter. I merely heard the lecture.

Q. At the time of the Gebhardt lecture did Fischer also lecture?

A. Yes, that was the same lecture. Gebhardt made the introductory remarks; and within the frame of the same lecture Dr. Fischer continued.

Q. Did Oberhauser have any part in this lecture or discussion?

A. I don't believe so. I cannot swear to it; but I believe I would have seen that and my attention would have been drawn to it if a lady had spoken in that military institution. I'm pretty sure that Dr. Oberhauser was not present.

Q. Either at that time or at any other time did you talk with anyone or hear anyone else talking with anyone who had discussed the experiments or their effects, either with Gebhardt, Fischer, or Oberhauser?

A. I don't know that any of these gentlemen spoke to them; but, of course, that is something I could have missed. If in an auditorium which contains more than a hundred people a few of the people who are grouped together are speaking, I couldn't possibly know what they are speaking about. At any rate, I know of no such direct conversations.

Q. Now, then, if Gebhardt, Fischer, or Oberhauser discussed these exper-

or their results with anyone else, did any information come to you concerning what either Gebhardt, Fischer, or Oberhauser had said relating to the experiment or the results thereof?

A. No, I never heard anything like that, namely, that any details were discussed with the people concerned.

Q. Then all you know about it is what you have already related here in evidence; is that true?

A. Yes.

Q. Professor Rostock, your counsel has placed in evidence Rostock Document Number 5, which has been received in evidence as Rostock Exhibit Number 5. This document purports to list of scientific publications of which you are the author. In the document under the title "II, Journals," appears a publication entitled "Treatment of War Wounds with Sulfonamide, Report of Congress East of Consulting Physicians, 1942." Where did you get the information and data upon which this publication was based?

A. That is the lecture which I mentioned this morning. It was printed in the report of the consulting physicians of May, 1942. I don't know the exhibit number; but it was submitted to the Tribunal by the prosecution.

Q. Where did you obtain the data and information from which the report was given? Do you recollect it this time?

A. I know that in the year of 1942 I held a lecture there.

Q. Now, then, returning to the Gebhardt, Fischer, Oberhauser matter, did there ever come to you, from Gebhardt, Fischer, or Oberhauser or from anyone else, any information concerning experimental efforts to transplant bones, muscles, or nerves from one human being to another?

A. No.

Q. You know nothing about that whatever?

A. No.

Q. During the course of your interrogation today you made some mention of an order, decree, or directive of some sort from some responsible governmental officer or authority or agency, authorizing medical experiments on persons condemned to death. Is that correct?

A. No, that must have been a misunderstanding.

Q. I understood you to say that at this meeting Gebhardt had attempted to rationalize the legality of his experiments because of the purported existence of a decree or order which legalized such experiments on persons who had been condemned to death. Did I understand that correctly, or am I mistaken?

A. Well, in his lecture he said this. The legal basis for the experiments about which he was going to report was clarified and did not concern us, that is, the people in the meeting. That was a matter that was decided. He did not say, however, that any certain authority or certain person was at fault. He merely said generally that this was a matter that was decided. We the listeners, or at least I as a listener, gained the impression that any high governmental agency gave the authorization to these physicians; and because of the relationship of obedience which is used in military circles, I assumed that this governmental agency, which I didn't know, would have to assume responsibility. That is the picture I gained at that time. That was the impression I gained. But I must say that I did not consider this question legally or in any way intensively. Well, anyway I don't understand anything about it.

Q. You didn't understand then that there was any existing German law or decree or order which in its terms legalized such a type of experimentation; but all you understood was simply what you had heard from Gebhardt in his assertion that so far as the lawfulness or legality of the question was concerned, it had been settled by someone?

A. I know nothing of any law or decree in that direction. I assumed that Gebhardt told us and reported to us what had been told him by some other agency. He told us that he was authorized. I cannot say whether such a law existed or whether it did not exist. At any rate I do not know of such a law.

Q. Do you recollect the words he used in regard to the legality of any such experiment as you have narrated? Can you remember the verbiage he used?

A. I don't remember the exact words. I only remember the sense.

Q. Will you repeat again what you remember of the sense, please?

A. According to the sense of it he said that the juridical basis for the execution of these experiments had been decided and a discussion about it was not necessary with the people who were present. But I think that Gebhardt may remember these words more exactly.

Q. Did he make any mention of the type of persons upon whom such experiments could be legally conducted. Was something said about people who had been condemned to death?

A. Yes, he said that this concerned people who had been condemned to death and who had subsequently been pardoned.

Q. Who had been pardoned or who were to be pardoned if they would give their consent to the experiment and did survive the experiment, which was it?

A. The word "approval" in my opinion was not mentioned. I understood it in the following manner: That if the man concerned survived this wound infection, that so to speak would be synonymous with the execution of the death sentence, and that if he survived this death sentence would not be passed. That is the way I understood it at that time.

Q. Did you understand whether or not the element of voluntary consent on the part of the human subject was to play any part?

A. The voluntary nature, according to my opinion, was not mentioned.

Q. So far as you understood it then, it was not to play a part?

A. That I don't know.

Q. Well from what you gained from Gebhardt or any understanding either from what he said or did not say am I to understand that the effect of it was that without any element of consent or lack of consent, certain persons condemned to death were to be used as experimental subjects, and that if they survived the experiment that they then were to be pardoned or their sentence would be commuted in lieu of the execution of the death sentence, is that correct?

A. In my opinion the situation was that whoever had survived this infection therefore did not have to be executed and was not sentenced.

Q. And was to become of them?

A. I don't know how it is usually handled in penal executions, whether that means complete liberty or any deprivation of liberty is something which I do not know.

Q. Did you have any understanding as to how it was to be handled in these cases?

A. No, I did not know that.

Q. Your understanding was that people who had been condemned to death were to be the experimental subjects, is that correct?

A. Yes.

Q. Did you understand that any distinction was going to be made between German nationals who had been condemned to death under the German penal laws as criminals or the political prisoners or prisoner of war who was a non-German national and who had been convicted or sentenced to death?

A. A differentiation between criminals, prisoners of war and political prisoners was not made. I had the impression that these were ordinary death sentences, whether they were Germans or non-Germans I don't know either. I don't know but I believe that even a non-German can be sentenced to death by a German court. I don't know whether that is customary or not.

Q. Let us assume that is true. Do you know whether or not a non-German national in a concentration camp who has been sentenced to death may be subjected to human experiments upon his body?

A. I don't know that.

THE PRESIDENT: The Tribunal will be in recess until nine-thirty o'clock Monday morning.

(The Tribunal adjourned until 0930 Monday February 25, 1947.)

Official transcript of the American Military
Tribunal in the matter of the United States of
America, against Karl Brandt, et al, defendants,
sitting at Nurnberg, Germany, on 24 February 1947,
0930, Judge Reals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal 1,

Military Tribunal 1 is now in session. God save the United States
of America and this honorable Tribunal.

There will be order in the court.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants
are all present in court.

THE MARSHAL: May it please your Honor, the defendant Oberhouser is
absent due to illness.

THE PRESIDENT: The rest of the defendants are present?

THE MARSHAL: The rest of the defendants are present, sir.

THE PRESIDENT: Defendant Oberhouser, having filed with the Tri-
bunal a certificate of Roy A. Martin, Medical Corps, U.S. Army,
that he is unable to attend court this day on account of illness,
the defendant will be excused, it appearing to the Tribunal that
her absence from the Tribunal today will not prejudice her rights.

The Secretary-General will file the medical certificate of Doc-
tor Martin. Counsel may proceed.

PAUL ROSTOCK -- Resumed.

DR. PRIBIAL (Counsel for the Defendant Rostock):

Mr. President, I ask you to excuse me this morning turning to the
Tribunal at this time. At the end of the last session the defendant
was asked some questions by the Tribunal. Mr. McNamoy was kind
enough to draw my attention to the fact that the witness didn't
answer one of the questions of Judge Sebring, perhaps
because of some misunderstanding. My own observation confirmed his
findings are corroborated with the following. Judge Sebring asked Ros-
tock Ex. No. 4, Page 7, where there is a publication of "Rostock's
about sulfonilamide. He asked where Rostock received the data for

that publication, he understood that Judge Sobring wanted to ask from where he received the material basis for that lecture. The defendant, however, always answered continually in such a manner which led one to believe that he meant that the question was about the reliability of his statement as contained in the document. If Judge Sobring is of the same opinion, I would suggest we clarify this point a bit before answering any more questions.

JUDGE SHERRING: As I understood it, the purpose of Document No. 1 was to show to the Tribunal the extent of the work done by Professor Westcott in the publication field, Document 1 showing the books which had been written and published by him since the middle of 1937, Document 11 showing the articles which had been published by him, I take it, in medical journals and other published works of that nature. Is that correct?

THE WITNESS: Yes, that is correct.

BY JUDGE SHERRING:

The Tribunal was interested in knowing something about the general publication "Treatment of War Wounds with Sulfonamides, Report of Congress-Best of Consulting, 1942". Perhaps to further clarify the matter it might be appropriate to ask this question: Was the nature and content of that article that appeared as a journal publication?

A: As a matter of fact, I really misunderstood the question as it was put to me on Friday, after what I have heard today. Friday I believed that I was asked on what basis I incorporated this article in that list, namely, Exhibit No. 8. Naturally, it is very easy for me to answer the question as to what my explanations were based on in August 1942, that was based upon my own experience during the last half years of war, that was based on studies of literature which was published, and, furthermore, the consulting surgeon with the Army Medical Inspectorate sent me the experience reports of other surgeons of the Army in that field. In order to

answer the other question at the same time, I should like to say that I didn't receive a report from Mr. Gohardt. That wasn't at my disposal at that time. When at the time I held this lecture the experiments of Mr. Gohardt, which are subjects of discussion here, had not even started. According to this list they began in July of 1942. I don't know whether I have answered your question with that.

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Q. Professor Restock, you recalled at this time the date or the subject in which this article was published and made available to the public in Germany?

A. The lecture was held in the middle of May, 1942. I can't give you an exact date. Maybe I could look it up. It appeared in print, that is, in these reports of the consulting physicians that were submitted here, in a special issue of the journal published in the course of all of the year. I don't know which in the journal would be the one with the article, but I know it was published in a special printed matter which was not a report on the work of the military physicians. That is how they appeared in print.

Q. So far as you know, were they sent to the medical officers of the German SS?

A. I don't know that. Perhaps the laboratory of the Handlos could answer that. I know they were sent to the physicians of the army. I don't know who else received them.

CROSS EXAMINATION (RESUMED)

BY A. KENNEDY:

Q. Now Professor, you remember what conclusions you drew in this lecture in May, 1942?

A. I really initiated the credit was probably at which was given to the, well, according to the knowledge which I had at that time, I gave an opinion which was to the effect that it was a carrier, but as I pointed out at the time which he had not been able to explain in that field. I could explain that in greater detail if I could look through the writing of the lecture, however.

Q. Did you draw any conclusions as to the necessity of having a hospital with surgical treatment of soldiers with wound infection or the possibility of infection such as soldiers with ulcers? Did you mention them to the court?

A. Sulfonamide treatment in itself was customary in army hospitals

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the front. There weren't any special hospitals for that purpose and they were hardly possible at the moment. Our entire difficulty was that, under conditions of war, every physician who took care of the initial wound, of the wound dressing, only kept the patients for a few days under his own observation since the medical stations and hospitals at the front had to be evacuated very quickly in order to keep them ready for new wounded who might come in, and this change just during the first decisive days made it practically almost impossible for one surgeon to care for such a patient from the wound dressing up until ten to fourteen days later and keep him under constant observation. And during those ten to mostly fourteen days the wound development decides itself.

Q. Now, Professor, the sulfanilamide experiments of Gebhardt have been rationalized to some extent by the statement that German military medicine was undecided as to the value of sulfanilamide treatment and, that if certain problems could be cleared up in that respect it could be determined whether it was possible to cut down on the treatment of wounds with surgery in the front line hospitals and merely treat the soldier with sulfonamide and evacuate him to the rear or whether, on the other hand, it was necessary to build up, to increase the number of front line hospitals because it was necessary to treat these wound infections with surgery. Do you understand that?

A. If I understood the interrogator correctly that certainly was the problem -- was I to treat these wound infections surgically -- was I to use knife and scissors in order to remove the tissue in order to kill the basis for the bacteria or can I dispense with that treatment and can I think that it would be sufficient to put some powder into the wound? There was very much controversy about that question. There were followers and opponents for both of these extreme uses and only gradually the point of view prevailed that with reference to the ordinary wound infection the mere treatment of powder -- that is sulfanilamide -- in the wound itself would not be sufficient. But, in order to experience that and in order to arrive at that conclusion

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as we didn't have a number of years in view of the numerous wounds that occurred during the war. That is because of the difficulties which I described before in the medical observation during the first days of the wound. In order to answer the question whether or not more hospitals had to be instituted -- that, of course, would have been an expedient measure but I don't believe that it was possible from the personnel point of view for, in order to furnish a hospital, you need experienced physicians, and, as far as I could survey the situation of personnel, we hadn't enough. I remember a radio report which once came from America where an American high medical officer said: "We Americans shall win the war because we have four or five times as many physicians as the Axis powers." I don't dare to decide whether this view was correct or not.

Q. Did your paper, your lecture in May, 1942 shed any light on this problem as we have posed it here?

A. I'm sure I didn't express it with these words, but the question of whether to treat wounds surgically or only use powder was a question that was reportedly contested.

Q. Now, you have testified concerning two conferences in 1944 to discuss special research and that Schreiber and Breuer of the Reich Research Council were present at those meetings. Who else was present on that agency if they represent?

A. This is how it was. The first meeting in the summer can be traced back to me. Present were gentlemen of the Reich Research Council, gentlemen of the Medical Inspectorates of the Wehrmachts branches and Reich Office for Economy and Building. It was just a very small circle. This took place in Bielitz, mainly because of air raid precautionary reasons. It probably would have been as well to choose a little room in Berlin for expediency but Berlin had become very troublesome at that time. The reason of this discussion - don't let's call it a conference - was that almost underhanded I heard that there were considerations pending in the Armament Ministry in order to stop research. These considerations were pending apparently for quite some time for the second meeting of which I also spoke only took place in the winter and was not initiated by me but by the Armament Ministry. And, there the circle was much larger for there were present about seventy or eighty gentlemen, mostly technicians. Any measures of the Armament Ministry were probably directed to technical research and the few gentlemen who did purely research work in the medical field only were so very few that they played no part whatsoever.

Q. Do you remember who represented the Wehrmacht at the first meeting?

A. I don't know. I believe Schreiber was there. I don't know who was there from the Luftwaffe or the Navy.

Q. Anyone represent the SS?

A. I can't remember exactly which one of the gentlemen was from the SS.

Q. Well, do you think there was someone there from the SS and you just don't remember his name?

A. I can't tell you that exactly.

Q. And, have I understood from your previous testimony that you discussed nothing at this meeting except what fields of research were urgent?

A. He discussed the question of what larger fields of research, considering the intensified conditions of the War, would be necessary in the future. We arrived at about twelve or fourteen such themes.

Q. Didn't you discuss particular research assignments?

A. Individual research assignments you mean? Assignments to Mr. so and so, is that what you mean?

Q. Yes.

A. It may have been possible but that could only have been used as an example. It wasn't done in a manner where a list of research assignments available came through in detail. Entire list perhaps was discussed. Naturally one of the participants, by way of example, mentioned any particular assignment ----

Q. You say you did not go through a large list of research assignments and pick out certain individual ones and designate them as urgent?

A. We designated the entire field. Naturally the gentleman who had distributed these orders had to use their own discretion whether they wanted to drop one or the other. That wasn't my task to decide and I had no power to do that.

Q. You yourself did not designate specific research assignments as being urgent?

A. Naturally it is quite possible and thinkable that if somebody said that I give this assignment to so and so and would say, "please think about it" - quite natural I would give my opinion on the subject. But, without having my material at my disposal I could hardly answer that here under oath. I think that will be the case with many gentlemen here. I don't know whether if one of the defense counsel who would be asked here what happened during a trial three years ago, whether they remember all the details of that trial - maybe they could discuss it if they had their files. I would be able to do that if I had my files and could look it up, but merely from memory, considering the time that has lapsed it is something too much to ask.

Q. Well, do you remember what you did following the first meeting? What results occurred as a result of this meeting?

A. As a result of this meeting a list was made about these twelve research fields which were considered important. That was sent to Ministry Speer and to other agencies.

Q. Now, didn't all of this really require some knowledge of just what a particular scientist was doing? And how he was doing it?

A. No, not at all. It wasn't necessary to decide whether, in order to give an example of this trial, whether to know what Haagen carried out in way of typhus vaccine experiments. It was sufficient to know that typhus danger was very large for Germany and we had to say to ourselves that we had to protect Germany against this danger - that we had to continue to work - and in order to arrive at this realization it wasn't necessary to know any details which were carried out in some typhus hospital somewhere. The decision of importance could be arrived at without any of the detailed knowledge that were in the individual's sphere.

Q. Now, I take it that you were getting together your card index file of special research assignments before this meeting took place in the summer of 1944. Is that right?

A. Yes. A little before that.

Q. What use did you ever make of this card index file of research assignments?

A. It didn't really find a proper use. As I said the actual threatened interferences in research activity by the Armament Ministry only came about in the winter and whoever can remember what Germany looked like during the winter of 1944-1945 will agree with me that at that time directives from above had no value any longer. In most cases they didn't reach the agency they were directed to. I think that the number of mail that was burned was very large and extensive.

Q. Didn't you have any correspondence with these scientists who were working on special research assignments? Didn't you send general

instructions to them of any sort, or things of that nature?

A. I certainly had correspondence with the scientists. As for general directives to individual gentlemen, that is something I didn't send. But, if somebody believed that he was to be limited in any way or some personnel was to be taken away from him or that his iron or material supply was to be cut down, then certainly he approached all agencies from who he hoped they could help him.

Q. Did you ever circularize German scientists with any sort of instructions about what your task was, how you could help them in a given situation, just when it was they were supposed to get in touch with you?

A. I never sent a general directive of that nature. This would have had to be printed considering the amount of people involved and I cannot remember such a procedure. I certainly had individual correspondence with gentlemen that I knew.

Q. Did you know a man by the name of Schulemann, S-c-h-u-l-e-m-a-n-n?

A. Yes. I know Schulemann. He is the well known discoverer of the well known malaria drug "plasmochin". He was professor of pharmacology in Berlin.

Q. Do you know a man named Zeiss, Z-e-i-s-s?

A. Zeiss was professor for Hygiene in Berlin. I know him naturally. There is another Zeiss. There is a Zeiss in Magdeburg. I don't know which one is meant.

Q. Now you mentioned the correct one first - the Hygienist in Berlin. What about Dr. Pfaff, P-f-f-f?

A. Pfaff? Pfaff? At the moment I have no imagination when you mention that name. Maybe you could tell me more about him - was he a surgeon?

Q. Apparently he was an expert on tuberculosis.

A. I don't remember. If I think about the names that I knew of German tuberculosis workers I don't think I heard anyone of that name in that connection.

Q. What about a man named Vözler?

A. Vözler? Yes. Vözler was a physiologist at Frankfurt-on-the-Main, who worked on Pleslau physiology.

Q. Did you know a man named Hildebrandt?

A. There was a surgeon, Hildebrandt. He is dead. He was dead at that time. I don't know anything about him.

Q. I have in mind a pharmacologist at Gießen.

A. No, I don't know him.

Q. What about Fischbeck?

A. I know the name from somewhere but at the moment I cannot say who he was.

Q. Schlossberger?

A. Yes. Schlossberger was a hygienist at Jena.

Q. Schenn?

A. Schenn? At the moment there is nothing I can remember under that name.

Q. Gromels?

A. Gromels? I don't know him.

Q. Butenandt?

A. Butenandt was a very well known physiological chemist and he is the man who discovered how the female sexual hormones were put together and did research work on that subject. He was at first in Berlin and then Washington.

Q. Now, professor, isn't it a fact that German scientific research is composed of a fairly close-knit body of scientists? Isn't it a reasonably tight organization in a country of this size?

A. No, certainly not. For instance, I knew all the well known surgeons of Germany because of the yearly congresses which in various cities took place; but I never knew the expert representatives of other fields. Even if you took out the top people from these various fields, the people who were the heads of the representative universities, I would not know them. I would know some of

tion but certainly not all of them. Maybe one or the other name is known from literature but if one is confronted with that Gentlemen it does not follow that one should know who he was. This tight connection which you are perhaps submitting here, never existed. One could almost say that, unfortunately, it never existed, for the big danger to German science and perhaps also abroad was that most people had a very poor eyesight in that regard and did not want to look right or left to see what was happening. When science wants to advance it has to be able to see clearly.

Q. You have previously shown some knowledge of Beckenbach in connection with a cyclotron. Did you ever meet Beckenbach?

A. Yes. I met him on two or three occasions.

Q. Where did you meet him, do you remember?

A. I met him at Strasbourg - something that hadn't been quite finished yet. At that time I spoke to Mr. Steiner, Mr. Beckenbach, and with some physicist whose name I do not remember any longer. We discussed the problems at that time of research possibilities in a medical biological field.

Q. Was that in the Fall of 1943?

A. That may have been at the end of 1943.

Q. Were you there with Karl Brandt? You remember he said he was there too.

A. Yes, I was there with him at one time. Yes, we looked at the institute where this cyclotron was to be installed. It was in one of the university clinics at Strasbourg.

Q. How many visits did you make to Strasbourg to see this?

A. I was in Strasbourg once in my entire life.

Q. Do you remember the other occasions when you saw Beckenbach?

A. I think I saw him in Berlin at one time and I think that was

11. Otherwise I had no connections to him.

Q. Do you remember when that was?

Q. I believe that was before I got there, that is, before I went to Strasbourg. Whether this visit was in connection with my efforts I do not know but nothing materialized anyway.

Q. Did you meet Hirt when you were in Strasbourg?

A. No, I do not know what Hirt looks like. I only know the name.

Q. You say you met Dr. Stein there?

A. Yes, Stein was the dean at Strasbourg.

Q. Did you also see Hagen on that occasion?

A. No, I did not meet him.

Q. Did you meet a collaborator of Beckenbach -- Dr. Fritz Letz?

A. I don't know that. There were two gentlemen there, some assistants, but whether a certain Dr. Letz was there I really don't know.

Q. What about Dr. Hellmuth Ruhl?

A. I can imagine nothing by that name but it is possible he was one of the gentlemen there.

Q. And you are sure that you know nothing about research by Beckenbach on chemical warfare?

A. No, I, we discussed the designation of a few atoms with regard to the radio-active manner and their behavior in the body.

Q. Well, but as I recall, Earl Brandt testified that on the occasion of this visit to see Beckenbach and the cyclotron, that he had some discussions with Beckenbach about his work in the field of chemical warfare agents and Beckenbach asked Brandt to help him and, as a matter of fact, he did help him, insisting, among other things, in setting up a laboratory at Fort Fransecky, just outside of Strasbourg. Did you know anything about that?

A. As to discussions were pending in order to furnish a laboratory for this research work, I know.

Q. Do you mean to say you don't have any idea of what research he was doing? It seems to me that if you were right then

and heard him talking about fixing up a laboratory you would know what they were going to do with the laboratory.

A. I did not know that in detail. It did not concern me very much. One cannot ask me to know about every German lecture and what he was doing in his institute. The situation was that all these lecturers and scientists were working on a number of problems simultaneously and were helped by assistants and interns and it goes beyond the strength of a human being to try to know all this and keep it in mind.

Q. But whether you know his work in detail or not, did you know that it was concerned with the field of chemical warfare?

A. I did not know that in that sense.

Q. I want to put a document to you to see if your memory will possibly be refreshed. I have handed the witness page 14 of Document NO-1852. It is on page 15 of the translation which has just been handed to the Tribunal.

A. This is a letter from Dr. Beckenbach. One cannot see on what date this letter originated; nothing can be seen here. It concerns Beckenbach's experiments on three cats apparently. That was with reference to aerosols. Aerosols in modern physics as well as in medicine in the future play the part of distributing the materials in a gas and also in the air. He says here that an aerosol was taken from Hexamethylentetramine, the matter we usually call Urotropine, and was neutralized by phosgene. That is what I can see from this report here. This letter is not directed to me and I can't remember ever having read it. This is in accord with what Dr. Brandt has testified; namely, that the work on chemical warfare went was his and did not concern me.

Q Well, now Herr Professor, this letter is addressed to the Fuehrer's General Plenipotentiary for Sanitation and Health, Surgeon General Professor Dr. Brandt, Berlin, Ziegelstr. 5-9, Surgical Clinic at the University. That is about two or three doors away from your office, in the same building?

A Yes, that is correct.

Q I assume that this letter came into his office sometime in 1944; don't you really think you read it?

A No, I don't think so, and whether you believe me or not, you may rest assured that I was glad if my daily mail was not too extensive. We scientists have so much to read that we have no inclination to want to have this burden of mail increased. I cannot remember having read this letter.

Q I will read the letter into the record. It is labeled "Top Secret (Military) 2 copies." "To the Fuehrer's General Plenipotentiary for Sanitation and Health, Surgeon General Prof. Dr. Brandt, Berlin, Ziegelstr. 5-9, Surgical Clinic at the University.

"6th Report.

Q The protective effect of an inhalation of Hexamethylentetramin-Aerosol on phosgene poisoning.

A Ten per cent. solution of Hexamethylentetramin is sprayed into a suitable box of 1/6 cm with a Schlick jet. Aerosol of varying size particles is formed which is given to cats to be inhaled. Immediately after the inhalation they are placed in phosgene c.t. about 3000.

"RESULTS

"1) A cat inhaling aerosol on 3 different days for altogether 8 hours contracted a slight attack of pulmonary edema, survived; the control animal died after 6-7 hours of severe edema.

2) A cat inhaling for 2 hours also fell sick slightly and survived; the control animal died after 6 hours.

3) A cat inhaling for 1/2 hour fell sick severely and died after 40 hours of pulmonary edema, the control animal died after 6 hours. No further experiments could be carried on owing to lack of experimental animals.

So far as the small number of experiments permits of conclusions, the inhalation of aerosol from Hex-methylentetraamin for more than 1/2 an hour has a weak effect, if inhaled for more than 2 hours, it has a life saving effect."

Signed "Prof. O. Bockenbach."

Now, Professor, I want to show you another part of the same document. Now, will you turn to the second page of that, where you have the second report; do you see that?

A Yes.

Q This is also labeled "Military Secret," to the Chief Deputy of the Fuehrer for Medical and Health Affairs, Physician General Prof. Dr. Brandt. This is on page 2 of the English Translation, Your Honor. "Berlin, Ziegelstr. 5-9 Surgical clinic of the University. 2nd Report." The subject of this report is "Investigations on the decrease in concentration of phosgene in the chamber used and its hydrolysis under the influence of atmospheric moisture." The first paragraph reads:

"Before carrying out the planned phosgene experiments the chamber used needed to be examined to be draught-proof and the condition of the walls phosgene-proof. For this purpose continual readings of the phosgene content in the chamber atmosphere were carried out. We used WIRTH'S (1) method, whereby the chlorine formed by the phosgene are potentiometrically titrated. Our experiences with this method are shown in a separate report by Dr. RUEHL."

I skip reading the rest of it, and go to page 3 of the English translation, page 3 of the original. The second paragraph reads:

"In accordance with the Head-Physician (Oberarzt) Doctor WIRTH's, his inspection of our institute stronger concentrations were also experimented with."

Witness, that indicates that Dr. Wirth of the Army Medical Directorate had looked over this laboratory at Fort Monmouth?

A. That is probably the case. It says so here. I don't know.

Q. Let's turn to page 9 of the original, and page 9 of the English translation. You see, Witness, this is a series of seven reports. In order to understand them, we have to look at several of them together. We have here the fourth report, and from this, among other things, we are going to see the date, which doesn't appear on some of the other copies of these reports. This fourth report is dated Strassbourg, 11 August 1944; so I think we can probably assume that the fifth, sixth and seventh reports follow the 11th August 1944; and since Strassbourg fell, as I recall, sometime around September 1944, we can pretty well fix the dates of these subsequent reports, can't we, witness?

A. Yes, it can be assumed that the fifth report was made after the fourth report. I don't know exactly when that was.

Q. Will you be good enough to read this fourth report for us?

A. Yes.

"Concentration of hexamethylentetramin in the blood and the use after intravenous injection and oral administering of diluted solution commercial tablets, and powders in capsules of pulverized substance.

"When the protective effect of hexamethylentetramin against phosgene gas with human beings had been ascertained, beginning and duration of this effect were tested. From the outset, it was impossible to carry out this test by means of serial experiments on human beings. Assuming that the protective effect was a function of the concentration of hexamethylentetramin in the blood, speed and extent of the resorption and secretion of the protecting substance were measured.

"The method chosen for the determination of hexamethylentetramin in the blood and in the urine will be demonstrated by one of us in a separate report.

"After an intravenous injection of 0.03 g/kg there occurs during the first minutes a considerable change in the concentration as a sign of the complete mixture with the whole of the circulating blood as well as a quick decrease of the concentration to about 6 mg % during the first half hour. After 6 hours the concentration has decreased 2 mg %. The duration is obviously a direct function of the concentration in the serum.

"On oral taking of a diluted solution of about 10% hexamethylentetramin were traced regularly in the serum after 6 minutes. The speed of resorption depends on the contents of the stomach. Shortly after a meal, resorption sets in later and is slower (curve 4), whereas on an empty stomach, Hexamethylentetramin can be traced in the stomach in quite a considerable concentration after 3 minutes (curve 5).

Psychological influences seem to play a role, too: In the case of curve No. 1 which refers a nervous Russian prisoner of war, who could not be calmed down because of language difficulties resorption took place at a delayed rate. All the other curves show about the same course: quick increase to 5 to 6 mg.%, highest concentration after about one hour, a somewhat slower decrease to values of about 3 to 4 mg.% after 2 to 3 hours and then a slow excretion during 24 hours. Even after two days, traces of hexamethylentetramin can always be found in the blood."

"Consequently it can be assumed that the protective effect against the inhalation of phosgene gas sets in about 5 minutes after swallowing the drug and that it reaches its maximum after half an hour to one hour. Concentrations of 3 to 4 mg% remain in fact for many hours."

Strossburg, 11 August 1944

(Signature) Dr. Fritz H.

MR. McMEYER: We would like the record to show this is in the fourth report and it was addressed to the Plenipotentiary of the Federal Government for Medical and Health Matters, Generalarzt Prof. Dr. Brandt, Berlin, Hegelstrasse 5-9, Surgical Clinic of the University, labeled "Top Secret" (Military).

THE PRESIDENT: Counsel should have this identified in some manner
by some number.

MR. HOLMES: If Your Honor please, for reasons which are satisfactory to the Prosecution, I have put the Document itself, which consists of some twenty pages in the original, in piecemeal fashion, but it all carries the same number, Document No. 1852 and will be admitted under one exhibit number. We will identify each report as it comes up, it is the fourth report on page nine of the English Translation. I will offer the Document as a whole as soon as we have completed putting it to the witness.

But Professor, it appears from this fourth report that Dr. Dickson and his collaborator Dr. L. B. [redacted] working on some Russian prisoners of war. You will see on the top of page nine of the original, where it says: "Psychological influences seem to play a role, too: In the case of curve . 12, which refers to a nervous Russian prisoner of war, who could not be called down because of language difficulties, respiration took place at a delayed rate." They could not even talk to the wretched Prisoner of War, could they? Can you tell from this report what they were doing to him?

Q. WITNESS: I believe, Mr. Conway, that you over-estimate the effectiveness of this drug. Hexamethylenetetramin you can buy in every drug store in America or Germany. For decades it was commercially sold in every pharmacy, and any bladder trouble infuses these tablets and has taken the course of a day. I myself worked scientifically on this

question, which can be seen in Exhibit B. Anything I wrote can be seen, but I don't remember all the facts. I think that Bickenbach could have given himself this work, for it is generally known that hexamethylenetetramine goes into the blood, as well as into the fluid of the brain, that it goes from the gall bladder to the urine and these two peculiarities of this drug have led it to being used in bladder cases and also in the case of any inflammations of the brain. A number of people who received brain wounds during the war had to undergo treatment with the drug for days. I think that three to six tablets are being mentioned here, I think I read it that the Russian Prisoner of War received six tablets of uretro-pin. Thousands of people used this drug in all countries.

THE DEFENSE: Well, Herr Professor, what you say may be true, but I think I am being relatively calm under the circumstances. Isn't it true that they were testing this drug, making preliminary tests of this drug with which they soon hoped to bring protection against phos and gas and were they not testing the drug on the Russian Prisoner of War?

THE WITNESS: That I cannot see from this report, but just a moment, let me look at it. On page 10 at the top, it says that after ten to three hours traces of hexamethylenetetramine can always be found in the blood. It also says that psychological influences seem to play a role, that is, that the Curve No. 12, which is made available here, shows that in the case of a Russian Prisoner of War, who was psychologically impressed by the taking of this drug and the resorption took a different course in other cases. Maybe I could ask you to show me the curves, then I could say more about it, but there is nothing else I can say from the report here.

THE DEFENSE: Well, Herr Professor, look at the last paragraph of the report, that will show you what they were doing and why they were doing this drug, "Consequently it can be assumed that the protective effect against the inhalation of poisonous gas sets in about 6 minutes after swallowing the drug and that it reaches its maximum after half an hour or one hour." The reason I am so excited about this report is the description of the Russian Prisoner of War in Fort Vossels and Herr

professor because I have read the seventh report, which is on page 16 of the English translation.

Does the Tribunal wish to adjourn before I read this? I might say to you, witness, you may possibly read this report during the recess. I think you will find from it that they carried out experiments on forty prisoners, which from the fourth report we assume to have been Russian Prisoners of War to whom they could not even speak. If you will read the appendix carefully to this seventh report, you will see that they killed seven of them with phosgene gas.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

JUDGE ROBERT TOMS: If Your Honors please, as presiding judge of Tribunal II, which is now in session trying the case of United States against Erhardt Milch, I respectfully request that the Marshal be directed to remove the defendant Rudolf Brandt from this Tribunal to Tribunal II, where he has been approved as a witness for the defense. Tribunal II is now ready to hear his testimony if your Honors see fit to release him from this Tribunal at this time.

THE PRESIDENT: The presiding judge of Tribunal II having requested that defendant Rudolf Brandt be excused from attendance before this Tribunal for the balance of this morning's session to serve as a witness before Tribunal II, it appearing to the Tribunal that the absence of Rudolf Brandt at this time will not prejudice his case, the Tribunal directs that the Marshal remove defendant Rudolf Brandt from the dock before this Tribunal and escort him to Tribunal II, returning him to this Tribunal when his testimony is ended before that Tribunal.

Counsel may proceed.

MR. McHANEY: Herr Professor, I think you will probably now appreciate the significance of Report Number 4 where it is stated that they were carrying out a test with a certain drug on a Russian prisoner of war; and I assume you have now read Report Number 7. For purposes of the record I will now read this report. It is stamped: "Top Secret (military); 3 copies; 3rd copy."

"To the Fuehrer's General Plenipotentiary for Sanitation and Health Matters Surgeon - General Prof. Dr. BRANDT,

Berlin, Ziegelstrasse 5/9, Surgical Clinic at the University.

7th Report:

On the protective effect of hexamethylentetramin for phosgene poisoning. Experiments were carried out on 40 prisoners on the prophylactic effect of hexamethylentetramin in cases of phosgene poisoning. 12 of these were protected orally, 20 intravenously and 8 were used as controls.

The method:

The chamber has a capacity of 20 cbm. In experiment I to XIV the chamber was given a coat of paint which had a strong deteriorating effect on phosgene. This decrease in concentration was measured after experiment IX. The curves are shown on chart I.

The heaviest decrease measured was taken as basis for the calculation of the average concentration for experiment I to XI. In experiments XII to XV, the initial concentration and its decrease were measured separately in each case. In the tables II and III c_0 stands for the quantity of phosgene infused into the chamber in mg/cbm, c_m for the calculated average concentration, t for the time of reaction. c_m was measured as an arithmetic medium from 5 to 7 and calculated on the curve values obtained through interpolation.

B. The experimental subjects were throughout persons of middle age, almost all in a weak and underfed condition. On principle, the healthier were used as control, only control number 39 (J. Rei) and the orally protected experimental subject No. 37 (A. Rei) had a localized cirrhotic productive tuberculosis of the lungs. With the others, no pulmonary disease could be found. In the first experiments up to 6g hexamethylenetetramin were given orally, later despite the much higher concentrations 0.06 / kg body weight, orally as well as intravenously.

Results: The intravenously protected experimental subjects, without exception, all survived the phosgene poisoning with a c.t. of 207 to 5420. There were no symptoms of pulmonary edema after intravenous protection even with a c.t. of 2970. Only experiment no. 10 with a c.t. of 3960 caused pulmonary edema of the first degree, which was overcome without any therapy; and in experiment no. XIV the intravenous protection was penetrated to an extent as to cause pulmonary edema of the 3rd degree, which however was overcome by oxygen inhalation. The experimental subject recovered.

All control subjects fell ill. With a c.t. of 768 and 1180 a first degree pulmonary edema resulted which was overcome. With a c.t. of 27, one control subject died, the second contracted a second degree pulmonary

edema but recovered. A c.t. of 54 killed one control subject after 4 hours; the other after 14 hours.

After oral protection, a c.t. of 247 to 768 was suffered without any edema, even when the protective solution of hexamethylentetramin was drunk only 2/3 minutes before the inhalation of the phosgene. 2 control subjects showed a marked edema with a c.t. of 768. With a c.t. of 1485 one protected subject fell seriously ill with a second degree edema, a second subject likewise protected, having breathed the same phosgenic air, was unaffected. The cause of this striking difference must be sought in the different resorption of the hexamethylentetramine on the one hand and in the different reaction and the different volume of respiration of the experimental subjects on the other hand. Even a c.t. of 2275 resulted in only a slight pulmonary edema in an orally protected test subject, whereas one control subject died after 4 hours, and a second contracted a second degree pulmonary edema. The oral protection was penetrated by a c.t. of 5400. The protected test subject died, as did the two control subjects.

Experiment XV is characteristic of the test schedule and its results, and will therefore again be specially described. Of 4 test subjects, the first was protected orally; the second intravenously; the third received intravenous injection of Hexamethylentetramine after the poisoning, in order once more to ascertain the effect of therapeutic treatment; the fourth was not treated at all. The four subjects were placed in the chamber in which a phial containing 2.7 grams of phosgene was smashed. The test subjects remained in this concentration for 25 minutes. The phosgene content was measured three times during the inhalation. The readings showed an average concentration of 91 mg per cbm. The subject protected intravenously remained healthy, and did not show the least sign of difficulty or symptoms. The orally protected subject contracted a slight pulmonary edema, subsequently bronchopneumonia and pleurisy, from which he recovered. One control subject also survived his pulmonary edema; the second died 14 hours later, and the autopsy showed the characteristics of very serious pulmonary edema.

Summary: The conclusions of the experiment are impaired by the various constitutions and the general poor state of nutrition and of physique of the experimental subjects, as well as by the different behaviour and the different volume of respiration of the experimental subjects under gas, which was here demonstrated for the first time. But the experiments gave the following decisive conclusions:

- 1) A previous intravenous injection of 3 grams of Hexamethylentetramine completely prevents serious toxic and fatal phosgene poisoning from a c.t. of 2275.
- 2) An endurable quantity of Hexamethylentetramine taken prophylactically weakens a fatal poisoning to such an extent that it can be overcome without treatment. c.t. = 2275.
- 3) Non-fatal, but nevertheless edema producing poisonings are made positively ineffective by intravenous application and are weakened by oral applications. c.t. 250 to 1980.
- 4) The oral application of Hexamethylentetramine is no longer effective against phosgene poisoning of c.t. = 5400. The intravenous injection, however, weakens the effect to such an extent that the protected subject is able to overcome a lung edema.
- 5) THE DOSIS LETHALIS MINIMA (minimum lethal dose) based on these experiments cannot yet be determined with certainty. One c.t. of 2275 resulted in the death of one experimental subject; and the second developed second degree edema of the lungs which was cured.
- 6) Some of the protected experimental subjects who did not develop edema of the lungs remained completely healthy; others suffered from slight bronchitis with a brief fever, in every case they recovered without treatment.

Attached to this report is an appendix. There we find Table II, which shows intravenous injections, Table III, which shows oral injections. Both tables list the experimental subjects, who were numbered from 1 to 40. In the first column is the current number to the left-hand column; next the experiment; then the name of the experimental subject, which is given only with initials;

then you find the various technical data concerning the injections, the amount of phosgene which was used; and then in the last column to the right we see that the effect of the phosgene poisoning on the subject after treatment with this drug is shown with certain characters, a plus sign being an edema of the first degree, two plus marks being an edema of the second degree; and the large plus sign with the cross-hatch marks on either end of the cross bars means death from edema of the lungs.

I note for purposes of the record that experimental subject Number 30 on Page 20 of the English translation, which was under Experiment 15, a man identified with the initials "J. Rei," was killed as a result of these experiments. The same is true of experimental subject Number 35, second from the bottom of the page on Page 20. In experiment number 14, identified by the initials A. Eck, the subject was also killed, as was the following experimental subject Number 46. In experiment Number 14, name, A. Ho., the subject was also killed. On the next page, under Table 3, page 21, of the English translation, we find that four additional experimental subjects were killed, namely, Number 39, who is the fifth number from the bottom of the page; Number 33; Number 35; and Number 36.

JUDGE SEBRING: Now, Mr. McHaney, don't you have a duplication there?

MR. MC HANEY: I think you are quite correct, your Honor, I am just now observing that. That is quite correct. There were apparently a total of four deaths, namely, numbers 33, 35, 36, and 39; there being duplication of the three which I read on the first page.

BY MR. MC HANEY:

Q. Now, Herr Professor, must you not conclude on the basis of this report number 7 that Bickenbach and his associates carried on experiments on human beings contrary to the testimony of the defendant Brandt?

A. First I should like to say this report which I have here is not signed. I do not know who drew it up. I did not. I did not work on these experiments either. The report was not addressed to me. I did not read it. It has no connection whatever with me personally. I assume that I am being asked as an expert witness on the contents of the report. Of course, I must admit that there were four cases of death in these experiments. The effect of this hexamethylentetramin was new to me. I did not know about it.

Q. You swear to this Tribunal that you have never seen this report before today, that you know nothing about the experiments which Bickenbach was carrying out. Is that right?

A. I did not see this report before.

Q. Did you ever talk to Karl Brandt about Bickenbach's work?

A. Brandt did not tell me anything about it.

Q. I think you will agree with me that we can assume this report was received shortly after 11 August 1944, that it was sent to Karl Brandt at his office in the Surgical Clinic where you maintained an office two or three doors away from him?

A. Brandt had his office at the clinic, yes, but in Ziegelstrasse 5-9 there were the Third University Polyclinic, the Eye Clinic; the Designer of the University even had his studio there at one time. I do not know what kinds of letters and reports were received by all men who had offices in this big building. I did not read this report - the whole

thing.

Q. In spite of the fact that you were Chief of Brandt's office for Science and Research?

A. I believe I have said this for the second time now - the department for defense measures against gas had nothing to do with me. That was Brandt.

MR. MC HANEY: If the Tribunal please, I offer this Document NO-1852 as Prosecution Exhibit 456 for identification.

DR. SERVATIUS (for Karl Brandt): Mr. President, not the original documents but photostatic copies are presented here. I must make application to have the originals submitted. That is especially important in this case. I must also ask that the report be submitted which led to the finding of the documents. The documents show that the last two reports which are so specially significant here were apparently never sent. They are the first copies - the first preparation - with the original signature which could not have been sent. Page 1 - the cover page - of this collection shows that under No. 6 it says "first copy", and under No. 7 again says "first copy". The first document in this connection is also designated as a "first copy" - also Document 6. The last document is designated as "first copy" on the envelope but inside it says "third copy". The original will show that they are not folded, that they were never in an envelope. For that reason I consider it important that only the originals be admitted. It is also shown that the letters are in part not dated, in part they have the original signature, while in cases of carbon copies there is usually no signature. If one considers that the letter No. 7 is of 11 August 1944 and it seems one knows that Strassbourg was evacuated soon after that, then it seems quite likely that these last two reports were not sent, that the originals were left behind and that my client, defendant Karl Brandt, never received them. This is of decisive importance. Karl Brandt on the witness stand said that he knew nothing about these things. Therefore, I apply for submission of the originals and the report how these documents were found, indicating where

and under what circumstances they were found so that one can judge how these various copies were made.

MR. MC HALEY: If the Tribunal please, this folder of reports was received by the prosecution following the time when Karl Brandt had left the stand. Consequently, they were not available to put to him during cross examination. The only things that we have received are the photostatic copies which the Tribunal now has before it. These were received from French authorities. They were found in the apartment of Professor Bickenbach in the folder of which there is a photostatic copy here before the Tribunal. That is all we have. We do have letters and certificates showing where the documents came from. However, I submit that we should not be required to produce the originals since that may very well be impossible since they are in the possession of the French. We will, of course, be happy to produce the letters which we received along with the photostatic copies.

THE PRESIDENT: This exhibit is not now offered in evidence but merely marked for identification by prosecution. When the exhibit is formally offered in evidence, it will be subject to any objection or argument that any counsel might have. It would seem that the prosecution might well make an effort to at least procure a loan of the original document. Evidence is certainly available as to where it was found and by whom and when. The matter is not now before the Tribunal because the exhibit is not being offered in evidence. Counsel for the defendant Brandt may make an application to the Tribunal for production of the original document. The Tribunal will then consider the application, the written application, for production of the original document.

BY MR. MC HALEY:

Q. Witness, I now want to hand to you Document NO-692.

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Q. I now show you the photostatic copy of the original and ask you if you did not sign this letter?

A. Yes, that is my signature.

Q. I now offer Document NO. 692 as Prosecution Exhibit 457 for identification. Witness, this is a letter on the letter head of the Commissioner for Medical and Health Matters the Delegate for Medical Science and Research, is it not?

A. Yes.

Q. Dated Berlin 14 September 1944, is it not?

A. Yes.

Q. And it's addressed to the Reich Research Council?

A. From the copy which I have here I can't see that. It has the heading "List of medical institutions working on problems of research which were designated as urgent by the Reich Research Council on 26 August 1944 in Berlin. Summary according to the 1945 report for research submitted to us."

Q. Now, witness, is this something which I wrote up after this first meeting in the summer of 1944 which you have previously testified to?

A. That is probably what it is.

Q. But does not this document indicate that you and your associates went over 650 specific research assignments of which 45, as listed in this document, were classified as urgent?

A. I think I must thank you for presenting this document. This is a single document from all my files and in it shows first of all clearly that I was a little mistaken in the date. I speak of summer. It was the 26th of August if you can call that summer and that is how it happened. We discussed twelve subjects. As I did not have any associates, selected which research assignments were affected. I don't remember to whom this document was sent. Maybe the original shows that. I only saw it for a short time and I didn't notice that. If I sat down again and time I could see from this that fields were designated urgent at that time.

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Q. Well, but this document doesn't speak of fields of research. This document lists 45 specific research assignments and it gives the place where the scientist was working, his name and the subject of research, and I submit that it was not a very accurate description which you gave us earlier today about simply designating broad fields of research, I must assume that you went over a list of 650 research assignments and picked out those 45 and classified them "urgent".

A. Now, that's not right. First, we decided which fields were urgent and then one of my associates sat down and went through the 650 index cards in the card index and picked out which ones, which research assignments in this card index fitted those twelve groups. I did not do that myself.

Q. Will you look at the photostatic copy of the original and tell me the significance of the hand written initials RFR up at the top of the document on the first page? I take it these stand for the Reich Research Council - Reichsforschungsrat?

A. It's quite possible, but these letters were not put on my original letter. There are all kinds of notes. There's the receipt stamp with all kinds of indications which I don't know. That RFR might have been put on by the Reich Research Council. I don't know. Some agency might have put it on. I don't know, I can't tell. At the top right hand corner my name is printed. I don't imagine that I wrote that. I assume that was put on later and whether this receipt stamp here is that of the Reich Research Council, what I cannot say.

Q. You don't know to whom you sent this letter, is that right?

A. To whom this copy went I don't know.

Q. Well, can you tell us to whom you sent any copy?

A. That I sent to the Reich Research Council I consider quite certain. The Warrent Ministry too and the various medical branches of the Wehrmacht and the committee for economic expansion too, but I don't know where this particular copy went.

Q. Will you send the document to Mr. Hardy and will he pass it up to

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the Tribunal, please?

Now, Doctor, let's look at some of the research assignments on this document No. 692, Prosecution Exhibit 457, for identification. We find your own name under #5. "#5 - University Clinic for Surgery Ziegelstrasse (Rastock) - chemotherapy, "penicillin". I assume you know what you were doing. "#6 We find Robert Koch Institute (Gildemeister) - typhus, malaria, chemotherapy". You know Gildemeister, of course?

A. Yes, of course.

Q. Were you acquainted with the details of his research on typhus?

A. No, I was not. This document, which is the only one of my office that I have seen, shows very clearly what I know about the individual. I know that Gildemeister was working on typhus and malaria and chemotherapy. Who in my office didn't know about these things? And I was told at the time that the Anatomical Institute, Herr Hart was working on chemical warfare agents. I had heard then that and I believe that there is hardly anyone in this room who had a card index with 650 entries two years ago and today still remembers all 650 entries.

Q. Now, Professor, maybe you can enlighten us as to these check marks, plus marks and minus marks that appear on this document. You see, at the bottom of the first page where it says "check mark equals scientific research commission already submitted to HL or BL office"? What does that mean?

A. The HL office - that was probably the planning office in the Reich Research Council and the WFG is probably the military research commission. A document of that has been submitted here. I don't have my notes. It was a prosecution document. You probably know it. Then, the plus sign "Circular #5 already sent" - I can't say what that means but my associate who was in charge of the research card index will probably appear as a witness here. Maybe you could ask him about this matter. He will probably know the details about this.

Q. You didn't know what the minus sign means either?

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A. No. -I cannot remember what Circular #5 was.

Q. Were these notations put there by your office?

A. I don't remember exactly. When I went through the document just now I didn't note that. I don't know. Perhaps if I might see the photostatic copy again I could tell something from it.

(Photostatic copy was handed to the witness).

Yes, I think I understand the matter now. This WFG - that was added later in handwriting. It was probably like this. This copy here went to the Reich Research Council and the expert in the Reich Research Council put these checks and plus and minus signs on. That Circular #5 which I could not remember as I have said once before was not a circular of mine. It was a circular of the Reich Research Council and this check means that the works marked with this check were some applications to the planning office by the military research commission. These checks and so on at the bottom - that was added after the letter had left my office.

I think that is quite clear.

Q. I suppose you have also observed that research assignments 42, 43 and 44 concern Strasburg and related to research work by Hagen, Bickelbach and Hirt respectively?

A. Yes.

Q. Do you still say that you know anything in detail about the experiments carried out by Hagen?

A. Yes, I must admit that I didn't notice it at the time when the 650 cards were shown to me. It's quite certain that I did not remember it but that I know any details about it is quite certainly not the case. I know only what is given here as the facts. Just a few words about the type of the research assignment.

Q. And in spite of the fact that research assignments by Bickelbach and Hirt were obtained by your office by your meeting in August, 1944, you say that you have no knowledge about the research work of Hirt and Bickelbach?

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A. No, I know no details about it.

MR. McFARLEY: I have no further questions.

RE-DIRECT EXAMINATION

BY DR. FREDERICK: (Counsel for the defendant, Professor Rostock)

Q. Professor, today we have discussed primarily the research assignments of Dickenbach and Hirt. Yesterday, the Prosecution repeatedly asked, that is Friday, the Prosecution repeatedly asked about similar assignments in the field of chemical warfare agents. Before that, in submitting a letter to Karl Brandt, the Prosecution said that your office was in the same building as his. The Prosecution concluded from this fact and asked whether you did not read these reports. Therefore, I should like to ask once more quite clearly was the field of defense measures against chemical warfare agents among these fields under the office for Science and Research according to Decree of the fall of 1943?

A. No, such measures against chemical warfare were not under the office for science and research. This field was taken care of by Mr. Brandt personally as he testified too, in connection with a number of other institutes in this sector which already existed.

Q. Do you know the basic Decree, on account of which Herr Brandt was in charge of chemical warfare defense?

A. The original Decree of March, 1944, I believe I did not know that such a Decree existed. That he had such an assignment I knew.

Q. Then if a report on chemical warfare questions came to Karl Brandt how was it handled in the office as far as you know?

A. Such a report did not come to me. I did not receive Karl Brandt's letters. I did not open it. If he received such a report I assumed that passed it on to the persons concerned who were consultants for this specific sphere.

Q. Then you confirm Karl Brandt's testimony that was a specialized question which he himself worked on and did not come into your office.

A. Yes, I confirm that.

Q. Now I have another question referring to the creation of the office for science and research. The Prosecutor asked a question of you in this

connection. He asked whether at the beginning of your activities in the fall and winter of 1943-1944, a whole field of science and research was transferred to Brandt. You did not answer this question quite accurately. You said what you did after taking over this office, what you considered your goals and your purposes. It would be interesting to clear up the conditions in the office, the procedure. What office was created first, the office of economic planning or the office for economy and research?

A. First, the office of planning and economics existed. That was just as small an office as mine. There were four or five or six men, no more. This office of planning and economics needed a medical expert. There was a pharmacist from a large firm and an economic jurist but no medical expert, and this lack in the office for planning and economics was the first cause of the creation of the office for science and research. First, the activity, as I have said here, was to work on the economic basis, to create the medical basis for the production of drugs and to represent the medical interest in this industrial process, and another acute problem was to prevent the closing of the universities. After that had been done, only then had the basis been created which called for another subject to be taken up gradually, as I said here on Thursday or Friday. What I have just said was a prerequisite to what I said on Thursday or Friday. It must be considered as something that happened before.

Q. Do I understand you correctly if you say that at the time of the creation of the office of the Commissioner General as a result of the war emergency economic questions were in the foreground. The office for planning and economics worked in this field first, and when certain limitations on production were necessary in the field of medical instruments, drugs, etc., then and only then was the office of science and research created?

A This is true in subject matter and in time.

Q And the aims and intentions of which you spoke were added in the course of time?

A Yes.

Q The Prosecutor asked you about your position as Dean. You were Dean of the Medical Faculty of the University of Berlin. The Prosecutor also asked you about Professors Mrugowsky and Rose, also on the faculty of the University of Berlin. From the fact that these men were Professors at the University of Berlin and that you were Dean of the Medical Faculty, he concluded that you were informed about the work of these men in the field of research. Can you tell me whether the position of a Dean of a Faculty in Germany necessarily entails the Dean's being informed about the research work of the Professors and does he have any influence on it?

A The Dean of the German Medical Faculty is in no way a superior of other members of the Faculty in a military sense. He is only primus inter pares, most important, that is the first among others. That is shown by the fact that a dean is changed every year or two. One of his duties was to care for the interests of the academic instructions. He had to see to it that the lectures which were prescribed for the course of study in medicine were actually held, and he must tell an instructor to hold a certain lecture but if the man did not want to do that, the Dean had no authority to compel him to. He could report it through the Rector, to the Minister.

Q May I interrupt you a moment. You say that the work of the Dean was only in connection with the instructing work, the teaching work of the Professors. Did you know that these two Professors were also in charge of research institutes? Did you as Dean have anything to do with that?

A I was just about to say that as far as the research work of many members of the Faculty was concerned, the Dean had no influence and if the Dean had come to me in my clinic to check what I was doing in a scientific sense then I would have told him bluntly but finally it would be better if he discussed something else. I am quite convinced that all other Professors would have done the same thing, depending on their

temperament, but if the Dean had come to me to talk to me as a scientist, then, of course, I would have been glad to let him see what I was doing. Now to discuss the two examples which Mr. McHaney mentioned on Friday: Rose was a teacher of tropical hygiene. I could have talked to him about some lecture in that field, what he did as a section chief and Vice President in the Robert Koch Institute, and what he did as consulting hygienist in the Luftwaffe had nothing to do with me as Dean, and Rose would probably have refused to let me intervene, quite rightly.

Mrugowsky was an instructor, and later extra ordinary Professor for Hygiene, and what he did as a member of the SS and as head of the Hygiene Institute of the Waffen SS I did not learn and I had no influence whatever on it.

THE PRESIDENT: The Tribunal will recess until one-thirty o'clock.

(A recess was taken until 1330 hours)

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AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 24 February 1947.)

USUAL: Persons in the courtroom will please find their seats. The Tribunal is now in session.

PAUL ROSTOCK - Resumed

RE-DIRECT EXAMINATION (Continued)

FRIBILLA:

Professor, the prosecutor already asked you in detail about procedure as it prevailed during the meeting of consulting physicians. In that connection it was said that after Gohar's report, and after listening to the other lectures on the same subject, a written summary was made. The prosecutor maintained that written summary was sent to the front. Is that correct?

Directives, as we laid them down as a summary of the most important points of the lectures, were sent to the Army Medical Directorate by this meeting of consulting physicians. Whether and to what extent they were sent on from there does not lie within my knowledge. These directives were printed and were sent on in print from there. Whether from there they were sent on again I do not know.

Now do I understand you correctly if I say that these summaries were made at the end of the conference, were not the kind of thing to be applied in practice but merely a theoretical summary of the results of the scientific lectures?

Yes, that is correct.

Now the prosecutor said that if you collaborated in compiling these summaries, you would have been obliged to examine them.

In connection the word "evaluate" was used. I should like you

to give your opinion on whether it was customary to investigate the lectures, or just to take knowledge of the results of the investigation of what an individual gentleman lectured on and to take place. Something like that was not customary at all.

... our meetings. We never knew the persons and the situation
... did not go into to help but smile if they in line what would
... happened if I, for instance, during such a meeting, had asked
... Sauerbruch to present the material basis for what he was lect-
... on. That would have resulted in a scandal, I think. In order
... give you a concrete example, I did not tell Dr. Gohardt or Dr.
... Mecher to present their case histories before the meeting. That
... was not something we were concerned with. Whatever was spoken in
... these lectures was taken as a fact. All of us who sat down together
... afterwards were merely concerned to talk about the most essential
... points of these lectures and to compile them, without investigating
... whether the results in themselves were correct. That is what we
... in scientific language would call the compiling of an expert sum-
... mary of a report.

Q. Now there is a last question which I want to put to you
... which refers to Document NO-692, which is Prosecution Exhibit 497.
... is a document which was submitted by the prosecutor. You tes-
... tified that during the meeting of 26 August 1944, the individual
... research assignments and research workers were not discussed but
... that merely large fields were selected and designated as urgent.
... You said that there was approximately 12, 14, or 16 such large
... fields. Did you look at the document?

A. Yes, during the recess I examined that document; I made a
... mistake, inasmuch as there were not a dozen of such fields but a
... dozen and a half. If I classified the more important research
... fields as to the number of research tasks mentioned there, there
... were perhaps 6 or 7 among them which were represented to a large ex-
... tent; the others had only 1 or 2 research assignments.

Q. This meeting took place on the 26th of August 1944. From the
... document it can be concluded that on the 14th of September 1944 the
... plan, as it is in front of us now, was completed. Did I understand
... correctly that you said that this document showed that after

the large fields had been determined a list was made whereby schematically it was decided from the material what individual research institute would work on that special field according to the data available and I mean the fields that were designated as urgent?

A Yes, that is correct.

Q What does the word in parenthesis mean right underneath the heading "Summary According to the 650 research Orders submitted to us; "doesn't that say a certain limitation?

A Yes, certainly. At that time our research index contained 650 research orders. From these 45 were designated as urgent. Speaking figuratively these 650 orders were looked at in view of the intensified situation of the War, and therefore all but 45 were dropped.

Q The question came up here repeatedly whether your card index had very detailed data and I am asking you now whether it doesn't appear from this limited sentence that to a certain extent an excuse was made and people said, "yes, as far as data is available?"

A Yes, that is correct too. Only these fields were selected where the data on the card index would fit into this dozen and a half fields, and what we have here is the result.

Q So from this list one can conclude that you had no detailed data?

A No, we had no detailed data.

DR. PRIBILLA: I have no further questions.

THE PRESIDENT: Is there any cross-examination of this defendant further on the part of any defense counsel upon the matters he testified on redirect?

DR. SEIDEL: Dr. Seidel, counsel for defendants Gebhardt, Oberhauser and Fischer. Mr. President, in view of the fact during cross-examination a few points were touched upon which were not yet the subject of direct examination I should like to be permitted to ask a few questions of the Witness.

THE PRESIDENT: Counsel may proceed.

CROSS-EXAMINATION

BY DR. SEIDL:

Q Professor, last Friday you testified that you personally held the point of view that medical experiments on inmates who were condemned to death would not be carried out by you personally, and not even then when

these inmates would be given another chance to be pardoned, do I understand you correctly that you meant to say by that this was your personal conviction and that you didn't mean to say thereby that the question in issue was one of medical ethics generally?

A I said that I personally wouldn't do that, and this personal, very personal point of view results from the conception that I have about the relationship of a surgeon to a human being upon whom he is operating. In the German law in social insurance there is a possibility to coerce a human being to have an operation performed upon him. That is but true for circumvention, through material pressure. That is to say one can approach a human being who had an accident in a factory and you can tell him that he has to improve his condition by an operation and if he refuses to do that he is deprived of certain rights, and that is a very effective pressure which is put upon him. When I, as a surgeon, am approached with such a demand and a man like that is put into my clinic I try to convince this human being of the necessity of such an operation. If he realizes it and if he is in agreement to it I am performing it. However, if he doesn't realize the necessity then I refuse the execution of that operation. I am doing that on the basis of an experience which I had about 20 years ago in a medical affair, but I am very clear when I point out that this is nothing but the shifting of the problem from myself to some other person.

MR. McHANEY: We did not get the last question which was put by defense counsel.

Q I will repeat the question. In view of the fact that this is your personal conviction which you just described, you desisted, or you didn't see any necessity after this lecture of Gebhardt and Fischer to raise any objection against these experiments?

A Yes, that was my personal conviction. It is still that today, and I naturally know that others are of a different opinion.

Q At any rate it is a fact that during that lecture many hundreds of expert physicians were present, of whom none of them made any objection?

A None of them raised any objection with me, and I never heard this was the case with others.

Q You yourself with reference to experiments to test sulphanilamid you would consider them relatively not dangerous, so that you would put yourself at this disposal if you had been condemned to death?

A Yes.

Q Dr. Gebhardt and Dr. Fischer in May 1943 reported on the effectiveness of sulphanilamide; Professor Gebhardt at that time was Major General the Waffen SS; did you at that time gain the impression that Dr. Gebhardt carried through these experiments as a civilian surgeon, a civilian physician or did you gain the impression that he carried them through in his capacity as a soldier on instructions from a superior agency?

A I had the impression quite clearly that he acted upon some order. I don't know upon whose order.

Q Furthermore, you stated that you made experiments at your clinic, to find out the effectiveness of this chemi-therapeutically, but that this experiment failed because of difficulties of personnel and material; do I understand you correctly that you meant that these experiments became necessary and in spite of any investigation in this field no clarification had been established?

A The stride of sulphanilamide made in the theoretical and practice point of view had been clarified sufficiently.

Q Professor, do you know that shortly before the outbreak of the War, Professor Dr. Kirschner circulated questions to all German accident clinics in order to find out the effectiveness of sulphanilamide on wounded persons and that this circular had no effectiveness and that no material in the cases of thousands of wounded persons had been evaluated?

A I personally know about this circular by Dr. Kirschner, and it was published in the Periodical Publication of Surgeons, and went very much in detail, and it is true that no clarification had been arrived at through that circular.

Q Would you agree with me if I said chemical investigation of occasional wounds during the first few years of the War brought no clarification on this question at all?

A That is true, no such clarification was gained, and I explained that during my lecture of 1942.

Q At that time in that lecture you demanded that a basical research should be carried through; isn't it a fact though that along side of this basical research work a front medical and medical research problem was there it had to be solved as quickly as possible?

A This problem certainly existed.

Q And this was what caused you to institute research groups; what was the basic thought on which you based these research groups?

A I made the suggestion to the Institute, then I myself couldn't do it; the basic thought on that question was that these research groups should be committed at the main field dressing stations. These are the places where the wound was cared for after the first emergency dressing. The gentlemen who were committed there were to observe these wounded people for so long a time as was necessary in order to survey the development clearly.

Q I concluded from that that the decisive thing is to test the effectiveness of sulfanilamide on wounded people and that it should be used as soon as possible after the wound was inflicted and there is no purpose in carrying out any experiments on wounded people many days or weeks after the wound was inflicted?

A The quicker this means is used, the more effective it is.

Q Do you know whether the research group that you suggested was ever committed?

A Only to a very small extent, they came into the whirl of the invasion of Normandy and there, of course, there was no time for any scientific work.

Q Repeatedly the lecture which you, yourself, had in May of 1942 before Goblardt and Fischer gave their lectures during the first consulting meeting of physicians. This meeting can be found in this green booklet, was the lecture printed the same way as you held it, or were you mainly concerned with excerpts?

A No, not every word was printed; just the high-lights and effects are contained therein.

Q In this lecture the following sentence can be found and I am going to read it to you, I quote: "The big danger of chemical therapeutical work is that it cannot lead careful physicians during the execution of their operative tasks in treatment, with a sound, that they must not be neglected because certain hope is placed in chemical therapeutical work." Would you agree with me if I said with this one sentence the whole problem is described?

A The problem is not quite as simple as all that. This sentence contains in other words what I think I already testified to before noon with reference to chemical therapeutical treatment and the surgical treatment with knife or scissors, or only chemical treatment. I said at that time that we were not sure if it were one or the other and finally we came to a conclusion, which is usual in life, that somewhere in the middle the solution is to be found, that is the surgical treatment is to result and

not in the removal of the dead tissues and in addition chemical therapeutic treatment, but that of course took some time before we arrived at this solution.

Q I have no further questions.

THE PRESIDENT: Is there any further explanation of this witness?

MR. McLAUGHLIN:

Q Now Professor, can we say that the experiments of Gohhardt and Fischer solved all the problems relating to the use of sulfanilamide? I will repeat the question. Professor, as a result of the experiments carried out by Gohhardt and Fischer were the problems incident to the use of sulfanilamide in treating infected wounds solved, or was it rather no little contribution in clarifying a rather difficult problem?

A It cannot be expected that the solution of such a problem can be arrived at by one single thesis, much more work is necessary than that. I have in mind that the results were gained from these experiments that sulfanilamide in the case of the big gangrene viruses has a certain effect in the case of the larger amount of wound viruses and in order to clarify it one has to use two words, Streptococcus and streptococcus.

These two viruses will react relatively badly toward this treatment and that is now I remember the results of these experiments.

Q Do you remember when Heydrick was killed?

A Yes, I remember that there was an assassination, but I don't remember when it was.

Q You don't remember if it was in 1942?

A No, I cannot say that.

Q Do you know what Heydrick died from?

A As far as I know he was injured by splinters from a dome and he died either because of the wound infection or from an injury of the stomach or something. I am not quite sure.

Q Do you know who treated Heydrick?

A No.

Q Do you remember Axel Brandt said he was under the impression that the death of Heydrick had something to do with the timing of the Gebhardt and Fischer experiments?

A Did he say that here?

Q You will recall that he said that, yes. I just wondered if you knew whether or not the fact that Heydrick died of a wound infection had anything to do with the timing of these sulfanilamide experiments by Gebhardt?

A I did not know that at that time.

Q Did you ever hear any criticism of the handling of the Heydrick case on the grounds that they did not use enough sulfanilamide?

A No.

Q I have no further questions.

DR. FRIBILL: Mr. President, with the permission of the Tribunal, I should like now to call the witness, Hans Christensen to the witness stand.

THE PRESIDENT: The Tribunal has some questions to propound to the witness.

JUDGE SEHRING: Dr. Rostock, as I understand your testimony, it was

that as Chief of the Office for General Science and Research you were concerned with broad, general questions of research as they came up during the war, rather than with particular questions; is that correct?

THE WITNESS: Yes.

JUDGE SERRING: In other words, within the sphere of your competence, you would consider in a general way the broad question of whether or not typhus research should be given a certain priority or certain other types of research without paying particular attention to specialized or particular projects or institutes within that field of research; is that true?

THE WITNESS: Yes, that is true.

JUDGE SERRING: I am wondering if you could give me some information about this matter. You have testified at length about broad, basic research problems or projects and perhaps you can tell the Tribunal something about the particular or special projects within the broad general field, let us assume, for example, that during the war the question of the most effective means of treating severely chilled or frozen persons became a question of great importance to a certain branch of the Wehrmacht. Let us say it became a question of great importance to the German Army, for example, and let us assume further that in order to find the answer to that important question, it was felt decisive to conduct special research on concentration camp inmates for the purpose of investigating the treatment or the most effective means of treating persons who had been severely chilled or frozen; do you understand my assumption?

A. Yes, I think I have understood you.

Q. Now then, can you tell me or the Tribunal what governmental agencies or officials within the framework of the German government would have had the authority to determine, order or direct that special research, for the purpose of determining the question, should be conducted?

A. Let us start at the top. For example, I suppose that Hitler, as Commander-in-Chief of the Wehrmacht could have determined or ordered or directed that such experiments be carried out; is that true?

A. In my opinion, which after all concerns a legal question, the chief of the state, of an authoritarian state system, must have had the possibility to issue such orders. Whether legally or internationally he was authorized to do that, I don't know.

Q. I understand. Now then, would the Chief of the OKW have had the authority to enter such an order, directive or determination?

A. I don't believe so, for to the Chief of OKW there were no concentration camps subordinated. He had no influence there at all; that is, from what I know of this organization.

Q. Would the Chief of the OKW have had the authority to determine, order or direct that special research for the purpose of determining a question should be conducted? In other words, what I am interested in is this question: What officials or agencies within the framework of the German government had the power to determine these questions, and then, if so, what official channels would such determinations, orders or directives normally pass to bring them into execution? Do you understand the import of my question?

A. And in this question, if you take my assumption to be correct, there is the problem; first, of determining that special research shall be conducted. There is the problem, second, of determining that certain specifically named or designated trained personnel, doctors, researchers and the like, should be assigned to such special research problems. Thirdly, there is the question of the determination of the installation or construction of laboratories in which such research should be conducted.

Fourthly, there is the problem of making concentration camp inmates available, not on paper or not on theory, but actually available to that laboratory as experimental subjects. And fifthly, there is the question of the assignment of transportation facilities, not on paper but actual facilities to go to the concentration camps to get these people and to bring them to the laboratories.

Now then, if you have my overall question, can you tell me as a matter of official, executive or administrative routine what government agencies or officials within the framework of the German government would have had the authority to determine, order or direct these things to be done and to be completed with all the facilities available to them for the completion of such project?

A. At first, I am not an authority about any executive or administrative matters as I just heard. For instance, the cold problem, to further this cold problem by way of experiments a directive can emanate from numerous people as long as the human being isn't being considered as a subject. When the human being is being considered as a subject in any form, then this probably went beyond the normal scope of activity of any scientific institute in Germany.

The director of this institute can experiment on voluntary collaborators, on his students, on his medical assistants, et cetera, but that, of course, is very limited. Who, beyond that, had authority to place human beings at this disposal I didn't think about before. Now, of course I have thought about it. And, when thinking about this problem, I arrived at no solution either how scientifically one could solve that problem without coming into conflict with the penal judge. Here, during the trial, I heard that concentration camps were subordinated to Himmler. Whether he had the unlimited authority to dispose of the people there, or whether he had to ask a yet higher instance; that is, Hitler, is something that is outside my knowledge completely.

THE PRESIDENT: Are there any further questions to be propounded to the witness?

(No reply)

THE PRESIDENT: Defendant Rastock is excused from the witness stand and will take his place.

(Witness excused.)

THE PRESIDENT: The Marshal will summon the witness, Heinz Christensen.

HEINZ CHRISTENSEN, a witness, took the stand and testified as follows:

JUDGE SEBRING: Please raise your hand and take the oath, repeating after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEBRING: You may be seated.

DIRECT EXAMINATION

BY DR. FRIBILLA: (Counsel for defendant Rastock)

Q. Witness, would you please give the High Tribunal your personal data?

A. My name is Dr. Heinz Christensen. I am a physician. I live in Husum, Brinkmannstrasse 30.

Q. When were you born and where?

Court I

A. I was born on the 9th of April 1911 in Berlin.

Q. Would you please briefly describe your professional career and emphasize how and when you came into contact with Professor Rostock?

A. I studied medicine from 1930 until 1936. I made my medical state examination and concluded my medical studies. This included a three and a half year apprenticeship as a clinical assistant, mostly working in internal diseases. On the 1st of April 1940 I was assigned to the medical service of the Army as a reserve soldier. After the customary short military training I was further used exclusively as a physician.

During the spring of 1943 I was temporarily assigned to Professor Rostock, to his surgical clinic. I was to work in that clinic, or rather, at the affiliated reserve hospital department, which was under the leadership of Lecturer Dr. Starck and was to gain there experiences of the front that had been used in Russia regarding blood transfusions and was to exploit them during clinical laboratory work.

Professor Rostock, at that time, was the consulting surgeon with the Army Medical Inspector. I first then made the acquaintance of Professor Dr. Rostock. I had only known him before that through his lectures at the clinic. After the conclusion of this work I was assigned to a medical company in Italy for a few months and finally, in December 1943, returned to Berlin. I then worked as a medical assistant at the reserve hospital department and at the surgical polyclinic as well as a lecture assistant with Professor Rostock. Professor Rostock at that time gave me work to do which fell within his scope of scientific activity and that applied to many others of my colleagues too.

For a short time he had taken over at that time the leadership of the department for science and research, and belonging to this scope of activity he gave us work and asked us to help him.

Q. You yourself, along with your other activity, were working as an assistant in order to deal with matters which fell within the department of science and research?

Court I .

A. Yes, practically this collaboration up until spring 1944 was carried on in such a manner that we medical assistants who had been asked to collaborate, dealt with these relatively few things which Dr. Rastack gave us alongside our other clinical occupation; that is, after the end of office hours.

Q In this case, we are mainly interested in the activity of Professor Rostock as a leader of the Department of Science and Research. Where was Professor Rostock's agency in this capacity?

A Until the spring of 1944, you could hardly speak of an agency. As I said before we medical assistants of Professor Rostock had to do our clinical duties first. At the clinic only one additional secretary had been hired and who only worked there for half days in order to deal with the work which was connected with the new activities which had been taken over by Professor Rostock. In the winter of 1943 and 1944, the air raids increased on Berlin to the extent that the clinical work had to be limited. At that time most of the clinical work was done in air raid shelters and cellars. Working rooms were furnished in Beelitz. Beelitz was about one hour distance from Berlin by car.

Q Did you, yourself, continue to stay with Professor Rostock, and continue to work where he was?

A Yes, up until the end of February 1944 I was active at the clinic at Ziegelstrasse. After the new office was furnished at Beelitz I repeatedly went to the clinic in Berlin together with Professor Rostock.

Q Witness, what did Professor Rostock tell you when you commenced your activities at the Department for Science and Research?

A Professor Rostock gave me information about the situation of the medical research as it prevailed in Germany at that time. He explained that by and large there were two groups; on one side there was the civilian sector, that is to say, mostly university clinics and university institutes, and on the other side was the armed forces branches with their independent research agencies. Every one of these research groups had the aim to maintain their research field and to expand it as far as possible. On the other side, difficulties as they resulted from the war, that is to say, the scarcity of personnel and material played a big part, and it was his aim to create some kind of coordination between these two units. As a university professor he was mostly interested in maintaining the research on the civilian sector. Contrary to other countries, in Germany the research work connected with the

civilian sector had become particularly difficult since a number of research workers had been drafted into the Wehrmacht. He, himself, said that it would be a false conclusion to assume that the biggest values were to be attached with special results from the war, for if at any time basic research work was to be dropped, this would bring about a considerable harm to the entire medical research work in Germany.

Q Would you please describe how the activities were practically carried on in this Department of Science and Research, and also what your special task was?

A There were four medical assistants who helped Professor Rostock in his new work. He divided the entire scope of the tasks amongst us four assistants, and he divided this according to the individual subjects of medicine such as surgery, internal medicine, and so forth. The practical way in which the work was carried on was the following: His mail was dealt with by the first secretary, the mail was opened and presented to Professor Rostock for his perusal. Professor Rostock made notations on the various letters and then passed the matter on to his assistants in order that we could deal with them. We, then, returned these matters to Professor Rostock who looked through them, and sometimes signed them. Then these matters went back to the secretary of Professor Rostock, who took care of the mailing, and who registered the matters according to the various expert fields. I, myself, mainly had to deal with tasks relating to internal medicine in accordance with my pre-medical education, children's medicine, physiology, hygiene, and later the compilation of the so-called research card index system.

Q What were the material things with which this agency dealt?

A From the very beginning, there was not a definitely defined circle of tasks. Their individual tasks developed only during the course of this one year.

Q Excuse me, you are not speaking about the year 1944?

A Yes, 1944. The circle of tasks that especially crystallized were the following: Professor Rostock was mostly interested in basic research. In that connection one incident took place, the penicillin and lectronemicros

work, and other work was done in brain research work, and tissue culture. In connection with basic research, Professor Rostock endeavored to maintain high scholastic work in research. A further point was the maintenance of medical literature and the creation of an information periodical about medical literature that was printed abroad. It was at the end of 1944 when the consuming functions of Professor Rostock increased, and which was in connection with the limitations of production, in the field of the productions of drugs, and in the field of the production of medical instruments. In order to explain the functions of Professor Rostock, I would say, for instance the efforts he made in order to safeguard medical literature. Professor Rostock personally did not sit down a regulation as to what future medical educational books were to be written and printed, but there were working committees available who, for instance, in that case, were working with the Ministry of Interior, and were representatives of the Ministry, and who from their side stated what papers would contain and what ones were available in order to produce medical educational work. In addition representatives of the various publishing institutions were present, who, from their point of view, stated what their production facilities were in order to decide what books were to be published. There were no medical experts available who were neither dependent upon Professor Rostock nor dependent on any direct state institution or incorporated institutions; therefore Rostock was asked to attend these conferences on the basis of his knowledge as a university teacher, and who was competent to say that, for instance, in the case of surgical educational books, two or three must be used by the student. The decision of which books were to actually be produced rested with the whole committee itself. The meetings with regard to the limitations of the production of drugs were of a similar nature.

Q How was the so-called card index system compiled and what led to it?

A It is perhaps important that at the outset I speak about the extent of the so-called card index system. This card index system cannot be compared to perhaps the card index systems as they were described here in the press and as they are available in the United States where modern means of statistical procedure were used in order to build up large scale card index systems, perhaps according to the so-called Locke's system, with various data about the various research workers, how they worked and where they worked, and so forth.

This card index system I am speaking about consisted only of two card index boxes. These contained perhaps six to seven hundred research assignments. The research cards were perhaps of the size of a postcard; and one card index box contained the data in alphabetical order of the research workers, whereas the second card index box contained the same research assignment but only according to the expert fields they belonged to. This entire card index system was here only for the purpose of helping Professor Rostock gain some survey as to what research work was being carried on in Germany.

In the summer of 1944 Professor Rostock wrote to the Reich Research Council and to the individual Wehrmacht branches and asked that he receive reports on the current research assignments. Later the Reich Department for Building and Economy was added. It distributed research assignments concerning the pharmaceutical field.

Q Witness, I shall put a few questions to you later with reference to the card index system; and I should now like to ask you something about your own special field. You have already stated that your field was especially internal medicine and hygiene?

A Yes.

Q Is it to be understood that you worked on all the incoming and outgoing mail concerned with these special fields?

A Yes. As I said before, Professor Rostock in accordance with the division of the work gave us the mail in order to have it prepared.

Q Did that also refer to mail which was designated as secret?

A Yes. The secret mail was dealt with by all the assistants at the agency. I therefore had insight into all secret mail that came in. Our secret mail comprised mostly the reports of the various research stations about the current research assignments as well as reports about medical literature abroad. Altogether this secret mail was really very small in extent.

Q Witness, beyond your field did you gain a certain insight? Did Professor Rostock ever call his collaborators together and discuss all the events and problems as they were connected with his work?

A Yes. Professor Rostock a few times a week had a number of discussions with us, the assistants. He expressly wanted everyone of our assistants to be well acquainted with the field of work of the others. That was for the practical reason that we were reportedly present at the clinic in Bealitz; and at all times one of the assistants present at Bealitz was to be able to deal with any questions that might come up, at least in broad outlines, and was to know something about the other fields of work.

Q Now, if I understood you correctly, the assistants represented one another, too, and sometimes represented Professor Rostock, too?

A Yes, that also happened. Whenever one of us went on vacation, somebody else took over his field of work. While we were working there, the fields of work were changed among us.

Q During that entire period you worked there, did you at any time see any event from which you could conclude that in any field anywhere in Germany inadmissible experiments were carried out on human beings?

A No. From the material which we received no such events became apparent in anyway.

Q Was there any event or circumstance? Even if you had no material, could you feel on the basis of any remark that that was true and could you arrive at such conclusions?

A No, we never had any such thoughts throughout the entire time.

Q During the discussions Professor Rostock had with his assistants, was there any mention made of anything like that?

A No, never were any inadmissible experiments mentioned -- and I mean experiments which are now being described as inadmissible. Also in my conversations with the other assistants we never discussed these matters; and we certainly would have spoken about it if it had been true.

Q Why do you think that you would have spoken about it if any such matters had come up?

A For us physicians these would have been things which we wouldn't have been used to at all.

Q From your own knowledge have you had any hint causing you to believe that Professor Rostock knew about such matters?

A No. No hint whatever. Judging from the scientific work of Professor Rostock at the clinic, I only know about the things which fall absolutely within the framework of the general medical field of science and research.

Q Did you at any time hear the name of Professor Haagen in Strassbourg?

A Yes. Professor Haagen is known to me as a well-known bacteriologist and virus research worker.

Q Was Professor Haagen mentioned in the material that you dealt with?

A I cannot clearly remember that. I cannot clearly remember having listed Professor Haagen in my card index system.

Q Did you know Professor Haagen personally?

A No, I didn't know him personally.

Q Do you know whether there was any correspondence between Professor Haagen and Professor Rostock regarding typhus at any time?

A No, I know nothing about that.

Q Would any such correspondence have to go through your hands since you dealt with fields of internal medicine and hygiene?

A According to the procedure that was customary with us, I certainly would have heard something about such correspondence. If it hadn't been dealt with by me personally or perhaps by Professor Rostock, himself, it would have been according to custom that he send a copy to our registration office, which I would have dealt with in turn.

Q Do you know whether Professor Haagen was with Professor Rostock in Berlin at any time?

A I don't know that.

Q In what form were reports made by other agencies about research assignments, assignments which were worked upon in the card index system?

A From the various agencies we received certain lists about the research assignments which had already been distributed. These lists contained the following data: The name of the research workers, sometimes including the number of the assignment, the term of the research assignment, and in the case of assignment of the Reich Research Council mostly data at what clinic the work was performed. In addition in some of the cases the priority number and the value of the assignment was laid down. Information about the research assignments were supplemented a few times by additional reports which were sent to us. We didn't only receive compilations of lists from the Reich Department for Building Economy, but we also received assignments set down on various pieces of paper and on these pieces of paper it was stated, for instance, when we were concerned with a new therapeutic task, from what chemical basic material one had to start and in what manner a new synthesis was planned.

THE PRESIDENT: The Tribunal will be in recess.

(A short recess was taken.)

THE PRESIDENT: The Tribunal is again in session.

Q. It please Your Honors, the defendant Rudolf Brandt has returned to court.

THE PRESIDENT: The Secretary-General will note for the record the return of Rudolf Brandt.

DIRECT EXAMINATION CONTINUED

BY DR. FRIBEL (Defense Counsel for the Defendant Rostock):

Q. Witness, you told us that from the reports of the various agencies which were used in the card index were formulated. You also said that the reports of the Reich Office for Economic Expansion came on individual pieces of paper and were a little more explicit. In what form were the other reports received, especially those of the Reich Research Council and the branches of the Government? Did they show the technical work used in carrying out the assignments?

A. No. As I have already said, they contained only the indication of the name of the research person, the subject of research, sometimes the clinic at which the work was done, the number of the assignment, the priority and value of the assignment. The manner of execution of the research assignment was not mentioned.

Q. Did any reports say that the assignments were conducted? Did any reports say that work was done in a concentration camp or that work was done in a concentration camp branch?

A. No. As my single card was the name of any concentration camp mentioned or any concentration camp branch mentioned.

Q. You have already described the purpose of the research card index. Was the purpose which Professor Rostock assigned to this card index realized in any way?

A. The research card index was established in the summer of 1944 by Professor Rostock. At this time Professor Rostock wanted to orient himself in the research assignments. It was not possible in any way, on the basis of this file, to increase research. From Rostock's desk, even if a research assignment was carried out at the time, one could not say if it was such that the assignment was still being

carried out. As a result of the increasing air raids and the destruction of institutes, the execution of the research work by clinics and institutes was, to a large extent, interfered with. University professors repeatedly told us that they could work only under the most primitive conditions and try to carry out at least part of their work--their research. We, ourselves, could understand these difficulties caused by the war very well from our own work at the clinic. It would, therefore, have been completely useless to try to interfere with individual research problems at that time. The aim of establishing the research card index, the aim that Professor Rostock had in mind, was originally only for general information for himself and particularly to give him insight into where basic research was being conducted and where specialized research was being conducted. This basic research, which was especially important to Professor Rostock, was, as I have already said, at a distinct disadvantage as against specialized research. In any case, Professor Rostock did not interfere with any individual research problem.

Q Now, this morning the prosecution submitted a document. This shows that on the 26th of August, 1944, there was a meeting at which a number of agencies were represented. Did you, as Professor Rostock's assistant, participate in this meeting?

A Yes, there was a meeting at Dietz which I remember. As far as I can remember, there were present from the Reich Research Council, Professor Seuerbruch and Professor Schreiber, and the heads of the Wehrmacht--the chief of the Wehrmacht Medical Service.

Q At this meeting there was discussed what research was important in Germany and vital in these last months of the war. Was this done in the form that the individual institutes, research workers and subjects for research were discussed, or were certain fields of research of an extensive nature designated as important or less important or unimportant?

A No, individual research assignments were not discussed. The heads of the individual research departments or their representatives, in a report of about ten minutes, gave a general survey of the most important

groups of research being done by them. As far as I recall, at the end Professor Rostock summed up and said that a certain number of lar or subjects were to be considered especially important.

Q Did Professor Rostock play a decisive role in this meeting, or was it a meeting of equals?

A No, as I said, the head of each individual research department told what points were especially important in his field. Professor Rostock spoke primarily about the work in the civilian sector and told what he considered particularly important. As far as I recall, there was an invitation to the Reich Physicians' Leader who could have represented the civilian sector, but Dr. Conti did not appear.

Q Among the fields for which Professor Rostock spoke and which he considered especially important was there included the field of chemical warfare agents, or did you have the impression that someone else spoke in favor of this field?

A I cannot say that anyone spoke especially about chemical warfare agents, but it is possible that in Professor Rostock's summing up the question of chemical warfare agents was designated as urgent.

Q But whether he himself had spoken about it before and primarily - what do you think about that?

A I consider that quite unlikely. That was not in Professor Rostock's sphere of work. None of us assistants ever was given anything to work on in this respect by Professor Rostock.

Q It has been said here during the trial that the field of defense against chemical warfare agents was worked on by Professor Brandt. Does that correspond to your impression of the facts?

A Yes, we know that defense against chemical warfare agents was worked on by Professor Brandt.

Q Did reports on chemical warfare sent to Professor Brandt's office also afterwards come to the attention of Rostock's agency?

A No, none in our office had anything to do with this field.

Q After this meeting of the 26th of August a list was drawn up,

signed by Professor Rastock. This list was drawn up about three weeks after the report. Now, in this list, the fields considered important are listed on the right, and on the left are given the institutes in which work was being done in these fields. Did you prepare this list?

A I cannot remember any such list. I would have to see it.

Q Here we are interested only in determining whether the individual fields were discussed at the meeting itself or whether this list was drawn up afterwards, and the fields designated as important were taken out and the card index entries were used. You yourself cannot remember having prepared the list?

A No, I did not prepare this list.

Q Is it possible that you were absent at that time and that an assistant or a secretary drew up the list?

A That is possible. In any case, I myself did not prepare the list. I would be grateful if I might see the original. Perhaps I can tell from some indication who prepared the list.

DR. FRIBILLA: Mr. President, I do not know whether it is important enough or if the Court would like to show the witness the original so that he can examine it.

THE PRESIDENT: If the original is available it may be shown to the witness.

(Witness is shown the original document.)

BY DR. FRIBILLA:

Q Witness, please look at the original and tell us whether you can say for certain who prepared this list.

A No, I cannot see anything new from this. I see only from the subjects which are listed that they came from those groups which were designated as "urgent" or as "essential."

Q And these notes at the bottom of the first page — do they refer to things in your office, or do you have the impression that they were added later by the Radich Research Council to whom this list was sent?

A They are apparently some notes put on by the office which received the letter.

Q Do you know Circular No. 5?

A No. We did not issue any circulars on research matters.

Q Thank you. Will you please return the original?

(Document is returned.)

Witness, do you know what position Professor Rostock had in connection with the Reich Research Council?

A No, I do not know that exactly. I heard from Professor Rostock once, in conversation, I believe it was the end of 1944, that he became deputy in the board of directors of the Reich Research Council.

Q Could Professor Rostock, in the Reich Research Council, have any responsible activity in issuing research assignments which the Reich Research Council issued?

A I am not informed in detail about authority within the Reich Research Council. I can only speak of the work under Professor Rostock, and I never saw any letter in which he made any decisions for the Reich Research Council. On the other hand, I remember a letter from Professor Rostock to the Reich Research Council in which he made suggestions for working on subjects in the field of tissue cultures, which interested Professor Rostock particularly. If Professor Rostock had himself had the opportunity of issuing research assignments for the Reich Research Council, he would have been able to do so directly.

Q Yes, I understand. Witness, I shall show you a chart, which Document 1, Exhibit 1, in the Rostock case. It shows the activity of Professor Rostock. Can you confirm, from your own knowledge, whether that is an approximately correct distribution of his activity?

A This concerns the years 1939 to 1945. I can speak only of the time when I worked with Professor Rostock, from December 1943 until Professor Rostock moved to Liebenstein, at the end of February or beginning of March 1945. For this time the distribution shown by this chart is correct. During the time when Professor Rostock was at Heeslitz a considerable part of his activity was always his work for the clinic and his scientific work. I can testify about this because we assistants were always used by him in his scientific work.

Q Witness, what activity did Professor Rostock always consider his most important--his main activity?

A Professor Rostock was Generalarzt of the reserve but he did not place any value on being called Generalarzt. In the office, not only the assistants but everyone generally, called him Professor. He always placed the greatest value on his position as a university professor.

Q What was the relationship of Professor Rostock to his associates and his patients?

A The basic characteristic of Professor Rostock is a very extensive general respect for other persons. As assistants of the head of our clinic

A Stabsarzt and a Generalarzt, we always were especially gratified that he had this respect for our, I might say, civilian personality, and always emphasized it. The notes which he put on the letters did not take the form of orders as "take care of this" but they usually said "please see whether there is a research assignment." And he did not say "tomorrow morning at you will drive with me to Berlin" but he said "Mr. Christensen, would you be good enough to go to Berlin with me tomorrow morning?" Those are, perhaps, only external matters which hardly deserve to be mentioned, but they characterize Professor Rostock. He was not merely a military superior — he emphasized the human contacts. From the work in the clinic I know the patients' attitude toward Professor Rostock. He was not the superior scientist and big clinic chief who just rushed past the patients, but they themselves emphasized how pleasant it was that he was not only a doctor and a good surgeon but was interested in them as human beings. Especially in the time of frequent air raids on Berlin, we saw Professor Rostock's care for his patients. Night after night he slept at the clinic in order to direct the removal of the patients to the air raid shelters if there was an alarm, and he also took charge when fires broke out in the clinic, as frequently happened.

Q He took charge of putting the fires out, you mean?

A Yes.

Q Did you know Professor Rostock personally through your work, — did you know him very well?

A Yes, of course we had personal contacts with Professor Rostock.

Q Then at the end will you please tell me what your impression was of him as a doctor and a human being, whether you consider it possible, in view of your knowledge of his personality, and his work, that he had any connection with criminal experiments on human beings?

A I knew Professor Rostock only as an outstanding scientist and a good doctor. I knew him personally as a decent, clean, character. I can't imagine Professor Rostock having any connection with anything of a criminal nature. Whoever knows Professor Rostock personally and knows how human his feelings were, above all how soft-hearted he is, cannot imagine that he would take any such spiritual burden upon himself.

Q Thank you. I have no further questions.

THE PRESIDENT: Is there any cross-examination of this witness as far as any defense counsel are concerned?

(No response.) There being none the prosecution may examine.

CROSS-EXAMINATION

BY MR. HARDY:

Q. Witness, you are familiar with the activities of Professor Rostock in his capacity as Chief of the Office of Medical Science and Research under the defendant Brandt; what is the basic purpose of this Office of Medical Science and Research?

A. As I said before one cannot give any clearly defined set of duties. What seemed to me essential when I worked under Professor Rostock was the Medical Advisory Physician in various practical questions in medical science and research.

Q. Then you are not of the opinion that this office was set up to coordinate scientific research?

A. According to what Professor Rostock told us assistants at the beginning, he wanted to coordinate the various research interests, as I said before. The fact that Professor Rostock began the work so late in effect did not permit this to be done.

Q. Well, now, you have stated the purpose of this card index file was to orient Professor Rostock in the various research assignments, such orientation being necessary I presume in order that he could more capably coordinate the various research assignments; is that true?

A. Yes, Professor Rostock wanted to get insight into the work going on —

THE PRESIDENT: The transmission system is not working. We will be suspended for a moment until it is in order.

Proceed.

Q. Now, my question, witness, was the purpose of this card index file so that Rostock could more capably coordinate these research problems, is that true?

A. Yes. This card index was set up in the summer of 1944, because

Professor Rostock was confronted with various questions connected with research assignments. For example, University Professors approached him and asked him for support in maintaining their own research work and on the basis of this card index he was able to see whether he could consider this work especially important, or whether similar work was not being done somewhere else.

Q So then it was his job to avoid duplication of scientific work, wasn't it?

A Yes, I assume that originally avoiding duplication was planned, but on the other hand I know from what Professor Rostock told us that he was completely opposed to interference in the work of a research worker. He told us assistants repeatedly that the supreme principle always had to be that any research work could be carried out freely. I do not believe, therefore, that he had the intention of interfering in anyway in the research work being carried on, but he told us and as we had the impression, he rather had the intention of preserving as much as possible of the research being conducted, especially basic research in the civilian sector, in which he was especially interested, and which he considered especially important as a University Professor.

Q Well, now naturally his task was to avoid duplication of scientific work in the coordination of his medical research problems, then this was within the sphere of the Fuehrer's Decree, which gave Karl Brandt the authority to establish the office of Science and Medical Research, wasn't it?

A Yes. I do not know how the assignment read which was given to Professor Rostock. I can only say what we could know from our practical work as assistants.

Q Well, now, you have stated on direct examination that these index files contained some 650 assignments; if it merely contained the data that would not fully describe how this research work was being carried out, how could Rostock avoid duplication of scientific work without knowing precisely what the particular scientist was doing?

A. That shows that Professor Rostock, by no means intended to intervene in such cases of duplication. He merely wanted to get orientation on the research work being conducted to be more or less informed on what was being done by the individual people. The subject given does show whether in the field of war-research, for example, 50 or only 5 people are working.

Q. Well, would you turn to that document you have in front of you, which is NO 692, which has been offered for identification as Prosecution Exhibit No. 457. The list you have in front of you, witness, this particular list, the subject: "The list of Medical Institutes working on Problems of Research which were Designated as Urgent by the Discussion on Research on 26 August 1944 in Berlin." The last sentence in parenthesis states, "Summary in connection with the 650 Orders on Research Submitted to Us." Does that convey that the purpose of Dr. Rostock requesting reports on these various assignments was merely for orientation purposes?

A. Originally Professor Rostock had the card index set up only for his information. I can remember very well how that happened, a very simple practical incident. Later more and more restrictions were necessary, and in this way there were discussions between the heads of the individual research Departments and Professor Rostock, using the card index which he already had.

Q. Now, as I understand it there were 18 fields of research of the utmost importance, that is considered urgent, and Professor Rostock had received 650 orders for research in order to determine their urgency, and of these 650 orders he only selected as urgent those which fell into any one of the particular 18 different fields. This document lists the institutions, the work they are doing and sets up priority ratings; now the Reich Research Council has received this list; what did the recipient do with it, what was the purpose of it -- did they just read it and say "Interesting?"

A. Well, Mr. Prosecutor, I don't think so, but I do not know for what purpose the Reich Research Council received this list. I do not know what

connection the Reich Research Council had with the Institutions listed here, whether they were directly under its orders or whether it was merely to be informed. I do not know whether such a list was not sent to each participant in the discussion, including the Reich Research Council.

Q Then the priority rating set up here could not be filed in your opinion, that is Professor Kestock here has selected 45 different assignments out of 650 as urgent to have priority; do you mean to tell me that a list signed by Professor Kestock has no effect whatsoever upon the recipient? He could very well have omitted a very important assignment and the recipient would never have had knowledge of the assignment, hence this very important assignment on behalf of another institute wouldn't receive the priority orders, and therefore wouldn't get the personnel necessary, isn't that possible?

A The original of the subjects stated there is not to be understood to mean that Professor Kestock on the basis of the card index set up the subjects, they are the fields of work which at a joint discussion of the heads of all research organizations were designated as urgent. Professor Kestock did not assign a priority to the individual fields of work. At this discussion the individual heads of the Research Groups designated individual fields as urgent. Then at the end Professor Kestock summed it up and said that the following 18 or 20 points of research are considered especially urgent today. This research had all been going on for sometime, and it was merely to ascertain what was to be continued to be considered essential. I do not know whether on the basis of this list anything was done, any steps were taken. It was fully planned that the institutions listed here were to get special protection and were not to suffer from the intended closing of research institutes which had been planned for the civilian sector.

Q Now, Doctor, did you ever receive reports on special research assignments, that is during the time you were in Rastock's office?

A I mentioned the Reichs Office for Economic Extension. This office dealt with work in the pharmaceutical field. I knew only the part of the work which affected medical matters. It had to decide from the point of view of production, which drugs and which medical instruments were to be continued to be produced. The Reichs Office then approved Professor Rastock, I was present at the first discussion where the request was personally presented to Professor Rastock and he was asked to comment on it from the medical point of view, since they could do so only from the point of view of production. From this Reichs Office for Economic Extension, which issued the assignments essential to the pharmaceutical industries, we reportedly received reports on the research already done as to whether there were any immediate results or if no progress had been made in that field for some time. These reports were given so that we could see and advise whether it was important to continue this work. As far as I know there was no doctor in the Reichs Office for Economic Extension. Of the other research assignments, we received notices only occasionally---that is in detail. For example, if Professor Rastock was particularly interested in these things, I remember for example work on the so-called prothesis, current research on penicillin, etc. and in these fields to be informed what had been done in these matters. For example, I would say in the case of so-called prothesis, that we had to know of what that meant and it was the same with Professor Rastock. He asked the Institute in Frankfurt on the question which was being worked on and he asked what it meant, then we received information on it.

Q By that you mean Professor Rastock could also have asked the Institute at Strassburg under Professor Hagen or Hirt, could he not in his position as chief of the Reich Medical Research Office at the Reichs Chancellery.

A Yes, of course Professor Rastock could have asked the Institute at Strassburg too. I don't believe he did so because it was not in his

THE PRESIDENT: Are there any further questions to be propounded to the witness? If not, the witness will be excused.

The Tribunal will now recess until 9:30 tomorrow morning.

(The Tribunal adjourned at 1625 hours.)

Official transcript of the American Military
Tribunal in the matter of the United States
of America, against Karl Brandt, et al,
Defendants, sitting at Nurnberg, Germany, on
25 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States
of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants
are all present in court.

THE MARSHAL: May it please your Honor, the Defendant Oberhouser is
absent due to continued illness; all other defendants are present in court.

THE PRESIDENT: The Secretary-General will note for the record the
presence of all the defendants in court with the exception of the
Defendant Oberhouser who is absent on account of illness in accordance
with a doctor's certificate which has been filed with the Tribunal and
which the Secretary-General will note for the record.

Counsel may proceed.

DR. FRIBILLA (Counsel for the Defendant Rostock): Mr. President,
with the permission of the Tribunal, I should like to call the witness
Maria Karlstetter to the stand.

MARIA KARLSTETTER? a witness, took the stand and testified as follows:

BY JUDGE SEBING:

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the
truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.



DIRECT EXAMINATION

BY DR. PRIBILLA:

Q Witness, please tell the Tribunal your name.

A Maria Karlstetter.

Q When and where were you born?

A On the 30th of July 1912 in Reichenhlo.

Q You were the first secretary of Professor Rostock?

A Yes.

Q In which of his capacities were you his first secretary?

A I was secretary for the Office of Science and Research.

Q When did you take this position and how long did you work in that capacity?

A I took the position at the beginning of May 1944, and in the middle of February 1945 I left.

Q Had you worked in medical matters earlier?

A Yes, I had worked for more than six years at the Surgical University Clinic in Munich as medical secretary.

Q Then you are acquainted with all questions connected with medical matters?

A Yes.

Q What were your duties as first secretary of Professor Rostock in the Office for Science and Research?

A I had to open the incoming mail and go through it to get the necessary papers out of the files, then I passed the mail on to Professor Rostock and he distributed it to the individual assistants. I was also in charge of registering all incoming and outgoing mail. I had to put a corresponding notation on and my colleague who had to arrange it could see from this notation what the contents were. I also took dictation.

Q The witness Christensen yesterday testified that he worked on internal medicine and hygiene and received only the mail referring to these fields. The difference with you then is that in your case you saw all the mail, the incoming as well as the outgoing mail?

A Yes, all the mail went through my hands. Professor Rostock wanted this and in a conference he asked the secretaries and assistants to give all letters and carbon copies to me so that all the correspondence would be in the hands of one person.

Q So that everything would be in the hands of one person, that is, in your hands?

A Yes.

Q Then, in your work did you have to take note of the contents of the correspondence?

A Yes, I had to take note of the contents because I could see only from the contents what it was about, and because I had to know the contents in order to know where to file the individual letters. Professor Rostock wanted me to know the contents because he relied on my memory.

Q Do your statements also refer to the secret mail?

A Yes.

Q Now, in the correspondence which went through your hands did you ever find any indication that any agency in Germany was conducting experiments on living human beings?

A No, neither in the research card index, nor in the reports of other agencies used in setting it up, was there ever any information which could have led one to conclude that such experiments were conducted; and not in the rest of the correspondence either. I can say this certainly because it is something that I would have noticed and which I would not have forgotten.

Q In the course of your activities did you encounter any other circumstances which could indicate such illegal human experiments or which could indicate that Professor Rostock knew anything about it?

A No, I never heard of such experiments, not from conversations either of the assistants among each other. They often discussed various official matters and they would certainly discuss it if they had known anything about it, and I never encountered anything that would have indicated that Professor Rostock was informed about such experiments.

Q. Did you activities also extend to the card index?

A. Yes.

Q. And does what you have said apply to that also?

A. Yes.

Q. You worked on this too?

A. Yes, I worked on the research card index too; I worked on the research card index. I wrote the cards according to the reports, in the form of lists, which we received from various sources. I copied these lists in the card index, after Dr. Christensen had ordered them, according to their contents, according to the field.

Q. Then you had to see the material on which this card index was based?

A. Yes; I had to know this material too.

Q. What indications did these cards and the material on which they were based contain?

A. The name of the research worker, the subject of the scientific work, in some cases the value of the assignment, and sometimes a priority rating.

Q. Did they contain any indication about the manner in which the experiments were carried out?

A. No, we had no information about the manner of execution of the experiments. I recall these lists very well. There was never any information given about experiments.

Q. Did the reports of other agencies, on which the card index was based, show that experiments were conducted in concentration camps or on concentration camp inmates?

A. No, the correspondence on which the card index was based did not indicate anything that would have led one to conclude that such experiments were conducted. No concentration camp or prisoner was ever mentioned. This is true of all the other correspondence too in the Office of Science and Research.

Q. Do you believe, then, that it could be proved to the Tribunal if the card index were here?

A. Yes, that would no doubt be the simplest thing and the best thing to have the card index here. It would show quite clearly that no illegal experiments on human beings are recorded in it.

Q. Now, witness, you said that you saw all the secret mail, that it went through your hands.

A. Yes.

Q. Did you know the so-called Secrecy Decree, which said that absolute silence was to be maintained about secret matters?

A. Yes, I knew that.

Q. Was that also in effect within the circle of associates of Professor Rostock? Or did they exchange opinions, did they discuss the thing?

A. No. Among the employees of the agency, this secrecy order did not apply; it only applied to people outside the Rostock agency.

Q. What people do you mean when you say people within Rostock's agency?

A. I mean the assistants and secretaries of Professor Rostock in the Office for Science and Research.

Q. Was it called to your attention especially, and was this obligation to secrecy in effect as to Professor Brandt's office, for example?

A. Yes, there it was in effect.

Q. Was it kept in effect between the agencies of Rostock and Brandt?

A. Yes, it was kept very carefully.

Q. Did you ever see correspondence or reports on defense measures against chemical warfare agents in your office?

A. No, in Rostock's office there was no such correspondence.

Q. Do you know of any correspondence with Professor Rostock on behalf of the Reich Research Council -- not with the Reich Research Council, but for the Reich Research Council?

A. No. I am sure there was no correspondence for the Reich Research Council. We would have had to use the letter-heads of the Reich Research Council for that purpose; we did not have any.

Q. Was the correspondence of Rostock with the Reich Research Council from your office, very extensive or not?

Q. No. The correspondence with the Reich Research Council was not extensive at all.

Q. There was no other clerical worker in the office who could have done such work without your knowledge? All these things went through your hand.

A. No, anyone who took care of matters concerned with the Reich Research Council alone did not exist.

Q. You know Professor Rostock because you worked with him. From your knowledge of his personality, do you believe that he would have, in any form, approved unethical human experiments or even know about them?

A. I knew Professor Rostock as a very kind person. I cannot imagine that he had any connection with such experiments.

Q. Witness, did you belong to the National Socialist Party?

A. No.

Q. Did Professor Rostock, in his official and unofficial conversations, ever speak to you or the other personnel in a propagandistic way for National Socialism?

A. No; Professor Rostock never did that. The tone in the whole office was at a level which was quite non-political, and the same tone that I had been used to from my former work in the clinic. I never saw Professor Rostock speaking for National Socialism in a propagandistic sense.

DR. FRIBILL: Thank you.

I have no further questions for this witness.

THE PRESIDENT: Does any defense counsel desire to cross-examine this witness?

(No response)

There being no cross-examination of the witness by the defense counsel, the prosecution may cross-examine.

CROSS EXAMINATION

BY MR. H. ROY:

Q. Witness, you have stated that all mail, incoming mail, went through your hands, and after opening the mail you passed the mail on to Rostock.

himself for distribution. Is that correct?

A. Yes.

Q. Then after Rostock received the mail, if it was of interest to some of his assistants he passed it on to them himself?

A. Yes, then Professor Rostock distributed the mail.

Q. Now, witness, you state that you handled all secret mail. Did you also handle the top military secret mail?

A. Top secret? No, we did not have any top secret mail. I cannot remember in detail, and I do not know the difference between "secret" and "top secret".

Q. Well, in what manner did you handle the secret or top secret mail when it came to the office in preference to ordinary mail?

A. The mail was not entered in the general registry -- the secret mail -- but the individual assistants lock it up in their desks. We did not make a difference between secret mail and very special secret mail.

Q. But in any event, all the secret mail went first to you and then Rostock for distribution; is that correct?

A. Yes.

MR. HARDY: I have no further questions.

THE PRESIDENT: Is there any redirect examination of this witness by counsel for defendant Rostock? Is there any further examination of this witness?

MR. FRIBILL: No, sir.

THE PRESIDENT: The witness may be excused.

(Witness excused)

MR. FRIBILL: Mr. President, in conclusion, I have the rest of my documents to submit. First I should like to correct a small error, a typographical mistake. In document Rostock 5, Exhibit 5, I had submitted the list of publications by Rostock from the middle of 1937 on. The document is at page 7 and 8 of the English document book. This is Exhibit 5, as the index shows. Unfortunately, on the two pages that follow, the number 4 is given at the top, at the right hand corner. I ask that that be corrected to

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Court No. 1.

number 5.

THE PRESIDENT: The corrections, I think, have already been made.
If they have not, they will be made.

DR. PRISILIA: I beg your pardon.

The next document has the number Rostock 6, and I offer it as Exhibit A. 6. After having had the witness Christensen here, who was the first and most important assistant of Professor Rostock in his small office, I tried to find all the other associates in this office. I succeeded in finding three of the four assistants. The other two assistants are Dr. Bogemann, and Dr. Zettel. In order to avoid repetition, I get affidavits from these two associates. Document 4, Exhibit 6, is an affidavit of Dr. Bogemann, Harburg. I submit the document as a whole and shall read only a few important sentences. Dr. Bogemann says:

"From the beginning of 1944 I worked under Professor Rostock in the Science and Research Department under the Reich Commissioner for Medical and Health Affairs.

"During my work with the Science and Research office I obtained a good idea of the work done by Professor Rostock on behalf of this office. Professor Rostock required his co-workers to be informed of current official matters. For this purpose weekly meetings with his co-workers often took place, at which all problems to be dealt with in the office were discussed orally. Besides his activity in this office, Professor Rostock had to devote a great deal of his time to the clinic in Berlin which was under his direction, as well as to other scientific tasks, for instance as editor of the Central Journal for Surgery.

"During the whole period of my work with the Rostock office, I never learned anything by virtue of which I could assume or suspect that Professor Rostock had knowledge of experiments on human beings, specifically through offices of the SS.

At the end of this affidavit, Dr. 4, Dr. Bogemann says:

"As medical assistant to the clinic directed by Professor Rostock, I can assure you that Professor Rostock carried out his work in accordance with the noblest conception of the medical professional, and the highest ideal of research. It always struck me, particularly, that he personally supervised medically all patients in the clinic, including very seri-

signers, Russians and French, with absolutely the same care as Germans. Experiments on human beings contradict the official and scientific character of Professor Rostock, as I know him."

Document No. 7 which I offer in evidence was an affidavit of the witness Karistetter. Since she has been examined here it is not necessary to submit this affidavit. The following document, which is Document 8, and which will be Exhibit 7 -- was the third assistant, Dr. Zettel of Aurich Ostfriesland. I offer this exhibit as a whole, but will read only a few important sentences. Dr. Zettel says:

"In the autumn of 1943 Professor Rostock asked me to assist him as well in his work with the Science and Research Department under the General Commissioner for Medical and Health Matters. I did this, besides my work at the clinic itself, from then until the Department officially took up its work in February 1944 and moved to the offices in Bielitz near Berlin. From that time on, I worked in the Department nearly exclusively as Professor Rostock's assistant in his capacity as head of the Science and Research Department.

"During this activity I never learned that Professor Rostock instigated, caused, or had knowledge, of such experiments on living human beings against their will. If this were the case, I would have had to know about it because Professor Rostock talked over all matters in hand with all his co-workers several times weekly. He was of the opinion that formerly in his clinic and later on in the Department, that his co-workers should be informed about all pending problems."

The next document, Rostock No. 9, which I offer as Exhibit 8, is an affidavit of the defendant Rudolf Brandt. The Tribunal will perhaps recall that the prosecution submitted several affidavits from Rudolf Brandt, and in this affidavit he refers to them. He says:

"After deliberate consideration and careful examination of all that I know in this connection I make the following statement:

"I never met Professor Paul Rostock personally at any time; I saw him for the first time here in Nurnberg. Nor did I ever know his office

under the Reich Commissioner for Medical and Health matters. I have no exact conception therefore of the type or the scope of his work there.

"1. If in my affidavit, Document No. 371, Exhibit 136, concerning hepatitis research (epidemic jaundice), I stated that 'Generalarzt Paul Rastock must have been informed about all research of this kind', I would like to explain that this was pure supposition on my part. I have no positive evidence for such a supposition from my own knowledge of the facts.

"The first name, Paul, of the Generalarzt Rastock was also unknown to me. It was dictated into the record by the interrogator.

"2. My deposition in affidavit, Document No. 370, Exhibit 294, concerning typhus experiments, where I stated that Dr. Less Rastock, as Reichstatthalter for Science and Research, must 'surely have known' about Less's experiments on human brain, was not based on any concrete evidence. It was again only a supposition of mine, which cannot be supported by any provable facts.

"3. Finally, as to my statement in affidavit, Document No. 372, Exhibit 252, concerning Less's experiments on human brains, that in March 1944, the Reich Commissioner and Professor Karl Brandt proposed scientific research in connection with these attacks, the conclusion cannot be drawn from this that Rastock's Office for Science and Research ever initiated any such research work. I know of no facts to support such a supposition.

"If I said further in this connection under No. 3, that in connection with Karl Brandt, Rastock too must have known about these Less experiments, this was also mere supposition on my part. I have no factual knowledge.

"As I know of my circumstances, I cannot prove this.

"I do not remember how the name Rastock happened to be mentioned in my various affidavits. The name of Professor Rastock did not even appear in one of the papers presented to me by my interrogator in connection with something which was alleged by theory.

"I believe, in conclusion, that the statements in my affidavits for the prosecution were not verified personally by me, but that I signed them as presented to me by the interrogator."

Signed, "Rudolf Brandt."

Document 10, Exhibit 9 -- I offer an affidavit of Defendant Hermann Becker-Freyson, who says in the following affidavit:

"In my affidavit of 24 October 1946, Document No. 448, Exhibit 81, I declared under No. 5 that Dr. Rostock, after he had taken office under Carl Brandt, was perhaps the most influential person in Germany in the field of science and research, and that all branches of the Luftwaffe informed him of the results of their experiments and research work. That he compiled and presented to Brandt for his expert opinion.

"This statement only represents my opinion, which is not based on any positive knowledge. I did not know any details of the working methods in Rostock's office. No. 6 of the affidavit of 24 October 1946. He has never been the subject of previous interrogations, but was put before me for the first time in this form is written. With regard to Nos. 5 and 6, I declared in the presence of Mr. McHenry that these two numbers were not verified with sufficient precision so that I desired to make a further statement in this connection. Mr. McHenry told me that I should have this opportunity.

"The research assignments requiring experiments on human beings or containing orders for experiments on human beings were given by the Chief of the Medical Service of the Luftwaffe. No report about such research assignments to the Rostock office was therefore possible.

"The sub-matter experiment was not a research assignment but was carried out by the Medical Inspectorate itself in its own responsibility, and a report was made to the Rostock office about it, as was necessary under the regulations.

"The Medical Inspectorate of the Luftwaffe never received any instructions or suggestions from the Rostock office, for carrying out experiments."

Signed, "Hermann Becker-Freyson."

The next document in the document book is Document No. 11, which I call Exhibit 10. It is an affidavit of the Defendant Dr. Oskar Deumer-

Mr. who says:

"My affidavit of 25 October 1944, Document No. 449, Exhibit 130, contains, in No. 3, the statement that Astick knows about the medical research conducted by the Luftwaffe, and that in order to avoid duplication all assignments had to go via Astick's office.

"This statement does not mean that before a research assignment was given Rostock's approval had to be obtained. In actual fact, a copy would be sent to Rostock's office after the assignment had been given.

"Research assignments involving experiments on human beings were never given by the Medical Inspectorate on principle, under any circumstances.

"The Medical Inspectorate of the Luftwaffe received no instructions or suggestions whatsoever from Professor Rostock, for planning and performing sea-water experiments or other scientific experiments."

Signed, "Göster Schreiber."

"I, President, I have reached the end of the evidence in behalf of the defendant, Professor Rostock. In addition to the witnesses examined here, the President has approved the opinion, Dr. Alf Lenzel, the chief member of the Reich Research Council. I wish to testify to the organization of the Reich Research Council, and particularly confirm that Professor Rostock had no influence on the research management of the Reich Research Council. The witness is in an English internment camp and, as I have learned, cannot be brought here as yet. According to the evidence, so far, I think it would be sufficient if I submit to you an affidavit from this witness in response with his personal examination here.

The same is true of the witness Margaret Baldow, who was approved. This witness is the chief nurse of Rostock's clinic. She knew nothing of the work of the Office for Science and Research, but she could testify to all Rostock's activity during the war at the clinic, and in particular she could give concrete information about the amount of work and the proportion of Rostock's work which the clinic represented in the last years of war.

Here, too, I believe that I can dispense with the personal examination of this witness, and I ask that the Tribunal permit me later to present affidavits from this witness. If I should succeed in finding the fourth assistant of the Office and thereby all persons who worked with Rostock in the Office for Science and Research, I ask that the Tribunal permit me to hand in affidavits later.

THE PRESIDENT: If the witnesses referred to by counsel are found and brought to Nurnberg, they will be sworn and testify before the case is closed. If the witnesses are not available and are not brought to Nurnberg, affidavits on the part of those witnesses may be presented to the Tribunal and offered in evidence.

Is counsel for defendant Schroeder ready to proceed? If counsel desires a few moments, the Court would recess. I asked counsel for defendant Schroeder if he is ready to proceed at this time. The Court would recess for a few moments if counsel is not prepared.

DR. MARK: I beg your pardon, Mr. President, I could not understand the statement of the President because the earphones were not adjusted, but I am told that the question was whether the defense of the defendant Schroeder might need a brief recess for preparation. I would be glad to have this opportunity.

THE PRESIDENT: How long a recess would counsel desire?

DR. MARK: Fifteen minutes, if I might ask, Mr. President.

THE PRESIDENT: The Tribunal will be in recess for fifteen minutes.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. MARK: Mr. President, I took advantage of the recess to inquire whether my document book is translated yet, but unfortunately I learned that the document book is not ready yet, although I ordered it at least a week ago to be translated. However, I am in a position to begin the case for the defendant, Professor Doctor Schroeder.

THE PRESIDENT: Has counsel any witnesses he could produce and put on the stand at this time?

DR. MARK: I would call the defendant, Professor Dr. Schroeder to the stand as a witness now.

THE PRESIDENT: The witness Schroeder will take the witness stand, I mean the defendant Schroeder will take the witness stand.

MR. HARDY: May it please your Honors, may I interrupt for a moment? I have not as yet received from defense counsel a list of the witnesses to be called on behalf of the defendant Schroeder, and I would like to call that to the attention of the defense counsel so that we will be properly notified.

THE PRESIDENT: Witness, you will hold up your right hand and be sworn, repeating after me:

I swear by God, the Almighty and Omiscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeated the oath)

You may be seated.

Counsel will note the statement by counsel for the Prosecution that no lists of witnesses for the defendant Schroeder have been presented and counsel will prepare the list of witnesses as soon as possible and serve it on the Prosecution.

I would ask the Secretary General if he has any information as to when the document book on behalf of the defendant Schroeder will be prepared.

The Tribunal is informed by the office of the Secretary General that the document book is expected this morning.

DR. MARK: Mr. President, I should like to take the liberty to point out that I announced the witnesses three days ago to the Prosecution.

THE PRESIDENT: Very well, counsel.

DR. MARK: With the permission of the Tribunal I shall now begin the case of the defense of the defendant Schroeder:

DIRECT EXAMINATION

BY DR. MARK:

Q. Witness, please give the Tribunal some information about your youth, your selection of a profession and your professional training.

A. I was born on the 6th of February, 1891, in Hannover. I grew up in my parents' home. I had a decided inclination toward natural science at an early age. At first I intended to become a teacher like my father but during my schooling I saw that was not the goal of my life and at the suggestion of relatives who were doctors I decided to study medicine. There was another inclination too. We were an old family of officials and soldiers. There were many officers among my ancestors and so I decided to become a medical officer in order to combine these two inclinations, medicine and military.

I went to the Kaiser Wilhelm Academy for Military Medical Training, the old training school for medical officers in the Prussian Army, and as it was connected with the Academy I studied medicine at the University of Berlin. At first I had to take basic military training and then in 1912 I took the preliminary examination and in 1916 I took the medical state examination. The beginning of the first world war in 1914 interrupted my studies so that in 1916 I was assigned to finish my studies and take the state examination. I was sent back to Berlin for this purpose. I participated in the war as a troop physician with various units. I was wounded and then I was in the field again and at the end I was Adjutant of a corps physician.

Q. Will you please give the details about your further service. After the first world war you remained in the Army. For what reason did you remain? What was your further career and your further training?

A. After the first World War the German Army was reduced to the well-known one hundred thousand man Army. This meant that a large part of the officers had to leave the Army. Of the almost three thousand medical officers there remained only three hundred approximately. In general there was an urge to leave because the prospects in civilian practice, specialized practice as well as general practice, were favorable. I myself tried to remain in the Army at the time because of the struggles going on in civilian practice, large economic struggles, health insurance and political societies. All these things were distasteful to me. I wanted to work as a doctor. I wanted to apply my knowledge and my influence in purely medical fields and so I tried to remain in the Army. And, I preferred to work for less money but to have work which was satisfying to me as a doctor instead of indulging in these economic struggles and other such things. My work was recognized. After I had worked as a surgeon for some time from 20 to 23 I had an extra duty in Koenigsberg, Prussia, in a Nose and Throat Clinic, Professor Rhese. And then from 23 to 25 I was assigned to the University Ear Clinic in Neurzburg, director Professor Manasse. After this I had about seven years of clinical training and about two years of surgery and the rest of the time as Nose and Eye and Ear specialist. Then I became section physician of the Nose, Eye, and Ear section in the Post Hospital at Hanover and I was able to expend my knowledge in working with patients and also as troop physician with my unit.

Q. Then you were transferred to the Army Medical Inspectorate. When was that?

A. From the first of January 31 I was transferred to the Army Medical Inspectorate. Through my long years of clinical work and my work in the Post Hospital in Hanover I had gained great experience in hospital work and care of patients and all things having to do with medical care of soldiers and I was sent to the Inspectorate and was the successor of Handloser to take over his duties. With the beginning of the reconstruction

of the Wehrmacht the work for building up a large scale hospital system arose and I was in charge of dealing with new hospital buildings.

Q. Now, witness, from your work in the Army Medical Inspectorate how did you come to the Luftwaffe?

A. In 1935 the Luftwaffe was set up and at first it was seen that it was necessary to create its own medical service for the Luftwaffe. As a man in charge of this activity Oberst-hat Hippke was intended and an experienced man to be given him as an assistant. Since the five years, or more than five years, that I had spent in the Inspectorate had given me experience in this field and since I knew Hippke from my time as a student, my chief, Waldmann, considered me for this. And, in August 1935 I was transferred to the Luftwaffe and essentially I took over the same work which I had been doing in the Army Medical Inspectorate, that is, care of patients, hospitals, budgets, and new duties were added - testing flyers, medical equipment. This was my work.

Q. What was your preferred field of work?

A. My preferred field was construction of hospitals. The duties which were assigned me at this time had given me great insight into these things and my own clinical activity gave me special interest in these questions. At this point I should like to say something about what I noticed from the examination of Professor Liebrand here. In answer to a question - how was this question of professional ethics considered after 1933 and how was it decided - he answered: "One can answer this question by making a basic observation of the changes in the ethics of the medical profession. The doctor hitherto for thousands of years, even before the Christian era, had had the duty of helping the individual to the best of his knowledge and conscience. This doctor, through the so-called national socialistic ideology, became a so-called biologicistic State official. That is, he no longer decided according to ethical principles of the pre-Christian and Christian occident, in the interest of individual patients, that he was an agent of a class of leaders who did not care about the individual any longer, who considered the individual only an expression of the maintenance of a fictitious biologicistic idea of race. And thus the heart was cut out of the medical profession." If the doctor does not have any principal interest in the patient, who only carries out

orders on behalf of a selective economy according to the laws of the Hippocratic oath he is not a doctor. Against this formulation of medical ethics of the past period, thinking of the more than two thousand doctors who fell in the German Wehrmacht, I must object to this conception. These doctors fell while caring for the individuals entrusted to their care. They felt responsible for life and health of each of them. Our work in the Inspectorate, as well as in the branch offices, was always clearly devoted to doing everything we could for the individual. The many hospitals which were built and equipped with loving care, the more than thirty hospitals which were built with my own assistance - they show perhaps more than words how we endeavored to use medical science and to do everything we could for each individual person. That is certainly no corruption of the medical profession. That, in addition to this care for the individual, we consider the community. That is true of the military medicine of all countries. That is nothing new. And, in deliberate rejection of Professor Leibbrand's statement I must claim for us Wehrmacht physicians that we appropriated the eternal laws of the oath of Hippocrates and that we tried to fulfill them in accordance with the example of the great Master. Leibbrand apparently does not know his Hippocratic oath so well if he always emphasizes the individual patient. The great work of Hippocrates on air, water, and situation, which we might today call a text book of general Hygiene - this book speaks for the consideration of the community as well as the individual patient.

Q. Witness, what was your further career after the beginning of the war

THE PRESIDENT: Before proceeding the Tribunal will be in recess again for a few minutes.

(A Recess was taken)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

THE PRESIDENT: Counsel for the witness may proceed.

BY DR. MARK:

Q. Witness, previously we stopped at the question - what was your further career with the beginning of the war?

A. For almost 10 years I had already been at the Ministry and as a result of this it was necessary that once again I should be used in some other agency. This was postponed by the reconstruction work which had been done in the previous years; but the beginning of the war offered us the opportunity ... gave me the opportunity to take over the position of a fleet medical officer and with the beginning of the year 1940 I became physician with Air Fleet No. 2, under Field Marshal Kesselring.

Q. Witness, what was your activity now with Air Fleet 2?

A. The first year of the war this air fleet was used in the west and afterwards it was used in the east for a short period of time; then from 1 December 1941 on, it was used in Italy, Africa and Sicily. I remained in this position until the 31st of December 1943.

Q. Witness, would you now tell the Tribunal about the duties of an Air Fleet Physician.

A. The Air Fleet Physician is the chief medical officer of the Air Fleet. He is the consultant of the Chief of the Flights in all questions which concern medical matters. The Fleet physician directs the use of the medical units and gives the corresponding instructions to the subordinate air district units, unit physicians, and so on. Furthermore, he provides replacements for the injured persons and that plays a major part in the work of these physicians in the war.

because the air transports were of quite a special importance in cases where large distances and territories were involved. It further was the duty of the air fleet physician to be informed about the treatment of the patients and the status of the patients in the hospitals.

Q. Were you always or for the most part with your agency as air fleet physician, or did you frequently have to travel outside of this office?

A. On many occasions I was outside of the agency, above all during the time when we were active in the Mediterranean area, in Greece, Crete, Italy, Sicily and Africa, when these territories belonged to our theater of operations. I was traveling around constantly, on many occasions by car or by airplane, and I inspected hospitals and I also obtained detailed information about the methods of treatment with regard to the patients, and also with the hospitals which had been provisionally established; I also consulted in these fields because I had gained particular experience. Then I also took care of the nursing system and especially in my field of competence nurses were also used to a great extent in medical establishments, even close to the front line, because I maintained the point of view that care by nurses could never be replaced by care by men.

Q. Now what was the character of your activity as Air Fleet Physician?

A. It was strictly an activity which was connected with instructions. It was an activity which regulated the working together -- which supervised the working together of all these subordinate agencies. I placed emphasis on the fact that in my agency the administrative part of the work was to be limited as far as possible. I left these things to the air district physicians and similar subordinate agencies. As Air Fleet

Physician I had to be mobile -- I had to be constantly on the move, in order to inspect and to supervise the care of the wounded and the supplies which were needed.

Q. Witness, when did you become Medical Chief of the Luftwaffe?

A. That was on 1 January 1944. I was promoted to General-oberstabsarzt; it was then I became Chief of the Medical Service of the Luftwaffe. In the first month of my activity I effected certain changes in our organization with the corresponding agencies of the Ministry so that afterwards I was in charge of the agency with the title Chief of the Medical Service of the Luftwaffe. There are constantly mistakes being made in the trial here because my predecessor was called Chief of the Medical Service and I was described as Inspector. This is connected with the change but the title Chief of the Medical Service of the Luftwaffe indicates my position more correctly than it could be done with the title of Inspector.

Q. Witness, will you now describe your field of tasks to the Tribunal as Medical Chief?

A. My field of tasks was very extensive. First of all I will have to go back to the situation as it existed in the year 1944 with regard to my office; at that time the agencies at home could not work any more in peace in their respective offices but for air-raid precautions they had in many cases been transferred to provisional stations. The daily work was continually interrupted by air raid attacks and air raid alarms; planned meetings or conferences were interrupted by air attacks and air raid alarms, so that it became extraordinarily difficult during that period of time to work together as a team.

of work previously in the procurement of equipment. These tasks also required much of my time. A part of these tasks were also rendered increasingly difficult through the air warfare, and it was not a rare occurrence that depots burned down and that also larger depots were destroyed. And now we had to change our dispositions and we had to change the supply of the units which had been dependent on these depots. In empty words now this also seems very simple, however, if all the difficulties which arose in that year are considered, and also we have to give consideration to the communication system, and the train connections which were not functioning properly, then perhaps these difficulties can be understood.

Another field which required a lot of work in the year 1944 was the "fitness", because a larger number of people were conscripted. This frequently required a change to be made in the regulations for physical fitness, above all in our field of selecting people who were fit as aviators.

Another part of my tasks were things connected with the dental care. These things became constantly more extensive as the war continued, above all with regard to dental care when more people were conscripted into the Wehrmacht with damaged dental plates, and we had to care for them. On the other hand the procurement of the necessary material became constantly more difficult. Then we were confronted by a large number of hygienic problems, and through the happenings of the year 1944 that also became more difficult, because again as a result of the damage which has been caused by air attacks many bad conditions were caused and in order to alleviate them, for example, when water and drainage was disturbed and when billets had to be used, then this was the form of tasks which we had to deal with.

And at the end of the war there was the science. Unfortunately, from the extent of the other tasks which were necessary daily science frequently would not be given the necessary amount of attention. I had the main task to withdraw everything in research which was not necessary for the war, and only to work on the research which was vitally necessary for us.

Q. Witness, in describing this activity as Chief of the Medical Service, you mention that you had to travel around frequently; will you please tell us about the manner or the extent of these journeys, for example, did you also visit concentration camps?

A. As I can already state from what I have mentioned previously, my work required me to travel very frequently. For one thing, in order to carry out the change or transfer of hospitals which was caused by air attacks and also to consult in such matters, and on the other hand to also visit and inspect these new training courses which we had to establish and in order to advance myself on the state of the training. It was the case above all with regard to the training institutions which had been established for similar medical personnel, and I believe that I was traveling at

least one-third of the month or more. I have never visited any concentration camps, because they did not have anything to do with my field of tasks.

Q Witness, I now ask you to tell us something about your agency itself with which you carried out this work?

A In view of the necessary limitation in personnel I have always tried to carry out my work with as few as possible collaborators. The establishment of such an agency was carried out in approximately the following manner, that is from below to the superior agencies: A number of specialists, experts, so-called "referents" were used.

There were Stabsarzene or Oberstabsarzene Physicians, who, according to their ability and their capacity were selected for that job. There were experts and specialists for the nursing system, the dental care and administrative workers, organizations of scientific aviation medicine and these referents were in those fields. When a field of tasks is enlarged they had to have a larger number of references which are usually divided into groups. We have groups of several expert specialists who together form a section which is directed by a section head. This section head usually had the rank of a colonel. Within such an agency he is the lowest instance which has the right to make a decision independently. This section head can give instructions towards the outside on his own initiative. The sections are brought together under the Chief of Staff. I had three such sections. The Chief of Staff is the Deputy of the Chief of the Medical Service. That is, the Chief of the Agency, in all kinds of pending matters. He furthermore has to settle the whole interior functioning of the agency. For example, all mail is addressed to him as far as it does not have to go to the Registry Official and is then immediately sent to the individual sections. However, the important mail, above all, secret mail, is addressed to the Chief of Staff. It is now up to the Chief of Staff to decide if it is to be handled by the section head, or because of its special urgency it first had to be submitted to me. At such an agency it is therefore quite possible and it could not have been done differently for the vast number of mail that arrived -- that quite an amount of mail could not come to the personal attention of the chief of the agency but that it was handled by the section head or that they worked or issued with the agreement and consultation of the Chief of Staff and I can prove this through numbers and figures. During my time of activity I have had five to six thousand opened letters and I will say 900 to a thousand secret letters in my agency and if part of the time I am absent then it can be considered impossible that I could personally look through all of my mail and that I could personally handle it. This was not necessary either in accordance with our service regulations. It was important for such an agency that the Chief of Staff was at home and that

he was in charge of the assignments and the duties which had to be taken care of.

He had the necessary authority in order to do this and he had the disciplinary authority of a brigade commander and, furthermore, he had the authority to appropriate certain funds without first submitting these things to me. In summarizing the function of such an agency it must always be remembered that it is based on the confidence that the subordinate has with his superior and the confidence which the superior maintains in the subordinate. Wherever the confidence is lacking then the agency cannot function.

Q Witness, will you give a short discussion to this Tribunal of the amount of work which you had to take care of every day? That is, the way you divided your work every day?

A Yes.

Q That is, how you had to work every day?

A Especially with the requirements of the time I moved into my office. I did not live at home any more but I lived in my office, and I slept right next to my office. In the morning my duties usually began very early because in the morning between 7 and 8 o'clock I received the reports about the damage which had been caused by air attacks. Then from them I could again see what had happened during the previous 24 hours and this information caused me to change my entire daily program. Then the morning passed while I reviewed the incoming mail and while I had discussions about these things.

Then visitors arrived from outside which had urgent questions to settle or who wanted to consult me and then the afternoon came with the very same task and above all, in the afternoon there was a report of the Department Heads -- of the Section Heads, and the specialist experts about these things which they were working on. As a result of the incoming mail and these discussions usually it lasted until the very late hours in the evening. Then the reports which took up more time and since I don't want to be interrupted by long-distance telephone calls I used to arrange them for 8 or 10 o'clock in the evening and when the last person who had repor-

and left then I had time to look over everything in peace and quietness which I had to deal with personally and I used to continue with this work until about 12 o'clock at night. On the next morning at 7 the same procedure was followed again.

Q. A. H. X: May it please the Tribunal, before I continue in my examination of the witness I would like to clarify the translation of a statement of the witness. Witness, Prof. Dr. Schroeder stated that every month you received five to six thousand open incoming letters in this agency and I am told that the words "every month" were left out in the translation and since this statement can be of importance I request that this statement be corrected in the record.

THE PRESIDENT: The Tribunal would suggest you have the witness restate what he said concerning that matter for the record.

A. The incoming mail which was received in my agency consisted of from five to six thousand open letters every month and approximately one thousand secret letters. Of these one thousand secret letters approximately five to six hundred was secret and three to four hundred were top secret.

Q. Witness, the Medical Academy was subordinate to you for the training of active medical officers for the Luftwaffe?

A. Yes. Originally the candidates were also trained at the Army Academy but with the closing of the academy this was not possible any more. At the beginning of the war we established our own Medical Academy for the Luftwaffe. It had three training groups. One was located at Berlin, the other one at Wuerzburg and the third was located at Prague. The students of the academy were distributed to these three training centers. Scientific institutes like, for example, the Army Academy were not connected with it. As a result of the war we had not been given this opportunity. We placed emphasis on the fact to leave the students between the semesters as much time as possible. They were not limited to military duty during that period of time but as far as this was necessary the military training was placed into the holiday season where our students were attached for medical

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service with troop units and hospitals. May I point out that preliminary basic military training was a prerequisite for the study.

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The zeal of the students was extraordinarily great, the urge to get to study and to work. There existed a pronounced renunciation of political lectures and political teachings. We held generally educating lectures but specialized political lectures were not given with us because we had the impression that the students did not want to hear anything about that subject. They applied their spare time well in other ways, and they were engaged in sports to a limited extent, and above all the teaching of music had become an important point. A college of music had been established where music was practiced with special care.

In order to apply to Professor Leibbrandt's views, may I point out here that the students did not only have the urge to work and to achieve something, but that they also did not remain without success in their attempt. From my last discussions with the Commander of the Academy I can still remember the result of the last medical examination which was held in 1944, and these figures perhaps indicate better than words what the results were of this work which was achieved. There were approximately fifty students who had to subject themselves to the last examination. Of these students, about twenty passed the examination with Very Good; twenty-five passed it with Good, and only five passed the examination with Satisfactory. None of the students failed to pass, and that happened in Berlin and at Wurzburg where the requirements of the students on the part of the professors, were very high.

A. Witness, before we continue, I would like to point out to you that you should make a short pause after every sentence so that the interpreter will be able to keep up with you better. I would like you to do the same thing after every question I ask you.

Professor, what official and unofficial contacts did you have with the leading personalities of the State, the Party and the Wehrmacht?

A. I did not have any with the leading Party personalities.

Q. Did you not understand my question?

A. Yes, I said I did not have any contacts with leading personalities of the Party. Hitler, Himmler and Goebbels and Bertram I had never even seen during the war. I believe that I had to report to Hitler on one occasion in 1938, but not on any other occasion, and the Commander-in-Chief of the Luftwaffe, Goering, I had to give Goering reports about my field of tasks, but otherwise I did not have any further contacts with him.

Q. Professor, were you also a member of medical societies and were you also active in the literary field? What can you tell the Tribunal on that subject?

A. I am a member of the German society for ear, throat and nose physicians, and that was the result of my special field. I was a member of the society of natural and nursing sciences, and then I was a member of the society of German medical officers; that is, the scientific military society. Then I was an honorary member of the German society for the dental and jaw practice. Then I was an honorary member of the University at Munster, and I was an honorary professor of the Berlin Medical Faculty, and I was vice-president of the German society of hospitals within the framework of the international society of hospitals.

I was editor and collaborator of the journal of the German medical officers, and also of the journal about aviation medicine, on the central journal for the German hospital system, the Parodontium; that is, a journal which occupies itself with the parodontosis question, and of the journal "Deutsche Schwesternzeitschrift".

the German Nurse.

Q Did you also publish scientific articles?

A Yes. In the 20's I published several smaller works in my special field, and within the last ten or twelve years I published a number of works about the hospital systems and the construction of hospitals, about the nursing system. Then in the military hygienic training book I published articles about the construction of hospitals, but during the past few years all we dealt with was the problem of the hospital system.

Q Witness, did you ever belong to any party of the NSDAP, or did you belong to any of its subordinate units?

A No, neither before nor after 1933, I never belonged to any party. This point was one of the reasons which caused me to remain in the Wehrmacht because in the 100,000 men army we were prohibited from taking any active part in politics. I have always had an objection to occupying myself with questions of politics and I was glad that we had to keep out of these questions in the 100,000 men army.

For myself and my subordinates I have always taken care to see that this instruction was complied with. A soldier can only serve his fatherland, and not a party. Whenever he leaves this ground, then he gets on a very slippery surface. During my later activity I have always repeatedly told my subordinates that they should strictly fulfill their duties and to strictly adhere to that line, and to thus become an example to their subordinates. After, in 1944 I was permitted as a member of the Wehrmacht to join the Party I still did not make use of this offer, and I did not belong to any of the subordinate units either, although I could have joined them previously.

Q After this general introduction I am now coming to the individual items of the indictment. Witness, the prosecution charges you primarily with having participated in a criminal conspiracy to commit war crimes and crimes against humanity, together with the remaining defendants. In that connection do you stand with the other men who are also accused here, and how many of them are known to you at all, and with how many of them

did you have any closer relations of any kind?

A The co-defendant Handloser is known more closely to me. Like myself he was in the 100,000 man army and at the time I became his successor as specialist in the Ministry. I further know my collaborators from the Luftwaffe, the defendants Rose, Becker-Freysing, Welts, Ruff, who have been known to me for a longer period of time, or I knew them already before the war. Rosenberg, Schaefer, Beiglboeck I met in 1944 during my time of activity as Medical Chief. I knew Brandt and Rastock slightly from previous times, and of course, I had occasional contact with them in my capacity as Medical Chief which was, of course, caused by the position of these two men.

I saw Gensken on one or two occasions, also as Medical Chief. I believe that was when Professor Handloser called us to attend some discussion or conference, and of course I may have seen Blum or Gohardt at Hohenlychen but the remainder are unknown to me, and I have only heard of their names here in Nuremberg.

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Q. On what occasions did you have contact with Professor Brant?

A. It was in my time when I was medical chief, when he was Reich Commissioner, and occasionally questions arose. Above all we were dealing with questions of the Airraid Precaution Medical Service, and he occasionally required the assistance of my section head for these matters.

Q. Did it become known to you on some occasions that in the medical sector atrocities or extermination measures were to be carried out?

A. No never. In the time when I was first physician I frequently discussed with Professor Hanloser the establishment for the care of the wounded of all countries. And as medical physician I was, of course, interested, but I believe that just the opposite was my task -- to help all those who needed aid.

Q. I just wanted to ask you a question to this effect, and this question reads: During the war did you also take care of an order if you negotiated about the physicians which were to be placed in the occupied territories to take care of the civilian population?

A. Yes.

Q. And of what did this care consist for the population of the occupied territories?

A. Well, it was only natural that we dealt with this question and especially during the period of time when I was first physician and we came into newly occupied territories where, through the evacuation of the population and through war operations the medical care of the civilian population had come into disorder, we assisted with physicians, material, and personnel whatever we could, and I gave the order that civilians of any age or sex were to be admitted in our hospitals and that they were to be treated there as far as the situation enabled us to do this. However, it was superfluous to give this order, because every hospital had already been doing this on its own initiative. Also, on various inspections which I made in the hospitals I was quite convinced myself that this order was being complied with to the utmost extent, and wherever we wanted to use a hospital or wherever we

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had to use them, this was always done under consultation of the local civilian authorities so that the civilian authorities in the occupied territories were able to keep sufficient space for their own people. We did this in the west, in the east, and in Italy to the fullest extent. On one occasion I built an operation room for the civilian authorities, but that was, of course, only natural for us to do that.

Q. Witness, the Prosecution charges you personally from the time of 1941 to 1943 with the fact that you, as the second highest medical officer of the Luftwaffe, are alleged to have knowledge of certain criminal occurrences during that period of time. Will you please describe in detail to the Tribunal your official position during that period of time?

A. Yes, I have found this statement frequently in the documents. I can only explain it to be a mistake in the original or a mistake in hearing. When Hiepke was inspector he had the rank of Generaloberstabsarzt. That would correspond to the Lt. General in the American Army. For the same period of time I had the rank of Generalstabtsarzt. That, in the American Army, corresponds to the Major General of the American Army. That is to say, during that period of time I had the second highest army rank. We call the individual ranks official ranks. The highest was Generaloberstabsarzt, and the second highest was Generalstabtsarzt. Within this group of Generalstabtsarzt we in the Luftwaffe had six offices, and of those offices I had the third. There were two senior Generalstabtsarzte above me. That was Generalstabtsarzt Neumüller and Generalstabtsarzt Pauer. Neumüller was the second highest medical officer at the time of Hiepke, in order to use the statement which has been used by the Prosecution. During that period of time, from 1941 to 1943, Neumüller was also at Berlin -- or from '40. He first was commander of the Military Medical Academy and afterwards he was airfield physician "Reich". That is to say, both branches were located in Berlin and his residence was also located in Berlin. As was required by his position, on various occasions he was on duty as Hiepke when the

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latter became sick. I already said with regard to the organization of my agency that in current affairs the chief of staff was a deputy, that in case of a normal absence, as for example when I was away for eight or ten days, a deputy was appointed. Then the work was handled by the chief of staff. For the most part I tried every night or second night to call my agency by telephone, and then I was able to clarify questions which had accumulated. That is the reason why a special deputy had to be appointed for me, only when through an extended illness or through an absence which could not be replaced, when the chief of the agency was absent for a longer period of time, then a deputy was appointed. From time to time as far as I can remember this was the case. On one occasion in 1942 that Jommüller was the deputy of Hippike for a period of several weeks and there perhaps on some occasion he was consulted in his capacity as deputy of Hippike. During this period of time, around 1943, I was in Italy, Sicily, in Africa, and I was so far from Berlin that any consultation for work -- so that I was unable to receive my orders for special assignments. After all, it was difficult to reach Berlin the period which I have just mentioned. I was hardly ever located in Berlin.

Q. In accordance with this, your contacts with the medical chief at that time were very small?

A. I believe that in the time between 1942 and 1943 I have seen him on two occasions, for a few hours. I believe that this was when I was at Berlin. I believe that it was not more than two times.

Q. The Prosecution has accused you, amongst other things, by the fact that you were alleged to have seen the second in command, Karl Fricke, it now charges you with the responsibility for the activities in freezing experiments in the concentration camp D. Chau which were carried out in the year 1942, what do you have to say in that connection?

THE PRESIDENT: Before taking this matter up the Tribunal will take its recess until 1:30.

(A recess was taken until 1:30 p.m.)

THE MARSHAL: The Tribunal is again in session.

2. Witness, before the noon recess we were at this question. The Prosecution, judging from the fact you were second highest officer of the Luftwaffe, charges you with special responsibility for high-altitude and cold experiments in the year 1942 at the Concentration Camp at Dachau. Will you please comment on this?

A. I learned of the high-altitude experiments only here in Nurnberg from the preparations for this trial. I learned of the cold experiments from the reports of the meeting on distress at sea and winter distress which I received at the time when I was still fleet physician of Airfleet 11. I assume that it was in the spring of 1943, for the meeting was in October and by the time such a report is compiled and typed, a few months pass. I cannot remember exactly, but it probably appeared in the first months of 1943 in my office in Italy. I, myself, did not participate in the meeting at Nurnberg.

At that time, I was in Sicily or in Africa. I received the report. I received several copies of the report which was distributed to the subordinate agencies by my office. I, myself, read it. I noted the work of Holzlochner with great interest for the following reason: The report says, as I was able to see again now, that the experiences were gathered from persons who had been rescued. This reminded me of the time in 1940 when I was in the west with Airfleet 11 and Holzlochner was Chief Physician of a hospital. He was under my command and a hospital near the coast. On the road from this to Sicily, in a small bathing resort village of Vieste, we had established a rescue station for sea rescue. This station had a doctor and several non-commissioned officers from Holzlochner's hospital. This town of Vieste is south

of Cape Grisenoz. It has a bathing beach and some dunes from which one can get a very good view of the channel. In clear weather, one can see the English coast and the harbor of Dover. One has a good view over the channel. That was the reason we set up a rescue station there.

A second reason was that this district south of Cape Grisenoz was the point where our planes flew over to England. Accidents to sea of planes which had been hit usually took place in this area. These could be seen from this point.

The rescue station was in a small house. There were a few beds and blankets and drugs and some dressings. And I remember as long as this station was under my command, that was probably a good six months, that there were 10 or 12 cases of persons who had been rescued from sea and brought there.

I must add the rescue station also had a small motor boat which they could go out to pick up the shipwrecked persons when they had seen from posts on the dunes. It was frequently possible to observe the crash from the plane into the channel, and then quickly go out there and rescue the pilot. I went past there frequently because the Bologna-Gelain road was one of the main roads in that district. Other people who had been at sea for some time were also rescued there and treated at this rescue station. As soon as their condition permitted, they were transferred to the hospital and treated there. This work of Holzschneider's hospital was known to me. I assumed that this report essentially was based on experience from this station, perhaps supplemented by experiences of other similar stations. We had such opportunities in Norway, too. No one from my office participated in this thing. So I did not get any personal report about the thing.

When did you hear for the first time that experiments

were conducted in Dachau?

A. I heard that for the first time when the question of sea-water experiments was discussed. And after the various failures, I was looking for a solution. I was told that experiments had already been conducted in Dachau and later Helzinger confirmed this once in a brief consultation. But he said nothing about deaths. I learned things through radio reports in the fall of 1945 when I was a prisoner.

Q. The Prosecution, in the list of participants of the meeting in Murnberg list Teubner and say he was your expert adviser on sea water experiments. all you please comment on that?

That is a misunderstanding. That is Heubener with "ue"; the advisor on sea water experiments was Professor Heubener, written "ou", the professor of criminology at Berlin. They had nothing to do with each other. Heubener was a young fellow, and Heubener was a gentleman of about 17 years experience and a criminologist.

Q Professor, you were also brought in connection with the sulfonilamide experiments, what have you to say about that?

A I learned of that for the first time when I was given the indictment. I know nothing about the experiments, and I did not know I was supposed to have participated in it. I learned that only from the indictment.

Q These experiments are supposed to have taken place in 1942 and 1943, where were you?

A I have already said that here at that time I was in Sicily and in Africa, and the meeting which is referred to was in May 1943. We lost the African Theatre of war in May 1943, and at that time my everything was concerned with these different meetings, but there were several thousand wounded at the time which had been brought back from Africa, and we had negotiated with the enemy about letting the hospital ships through. I believe I did not know that meeting was taking place at the time. I was busy with other things.

Q Did you participate in the consulting meeting in Berlin in May, 1943?

A No, for the same reasons I said before.

Q Witness, what can you say about the hepatitis experiments which are also mentioned in the indictment. You are also to have known of these experiments?

A Hepatitis serum for injection which is probably the matter at issue was not given by the medical chiefs.

Q Now, will you please look at the German document Book No. 8 about hepatitis. I show you document No. 137 of the Prosecution, page 6 of the German document Book, Prosecution Exhibit No. 189. What conclusion can be drawn from this document?

A That is a report of the Research assignment being conducted by Hagen. He has put down the assignment which he got from the Luftwaffe, and those which he got from the Reich Research Council. The assignment from the Luftwaffe on yellow fever vaccines, typhus vaccines, and the influenza are open assignments from the Research -- Reich Research Council; typhus and hepatitis are top secrets. There is a difference in that alone. The assignments on yellow fever vaccine and typhus vaccine were given in the years of 1941, 1942, 1943, and extended, and they were production assignments. It was not Hagen's assignment to report to us about the Reich Research Council, which were top secret matters. On the contrary, the high degree of secrecy of these assignments obliged him to silence towards the other agencies.

Q Are you through with this point?

A Yes.

Q Witness, now, I shall show you the correspondence between Professor Hagen, Professor Gutzeit and Professor Kalk. That is Prosecutions' documents Nos. 124, 125 and 126 in the German Document Book, pages 11, 14 and 15; Nos. 193, 194 and 195, Prosecution exhibits pages 11, 13 and 14 of the English book. Do you have that?

A Yes, I have it.

Q In these documents the names of Dr. Dehnen and Professor Buechner are mentioned. Will you comment on this correspondence as the Prosecution in this report concludes the participation of the Luftwaffe in hepatitis research?

A No, that is not so, but Hagen had a hepatitis research assignment, as we have seen. Hagen was a hygienist, and primarily he worked

in virus research. It does no good to have this assignment unless he can use those doctors who have something to do with this field, and so he turned to "Wechsner, who was the pathological anatomist, who had had great experience in pathological anatomy and with hepatitis. Then he turned to technicians like -- known technicians like Gutzeit, Johnson and von Kalk; these were people who in the clinical field were known. Gutzeit was a witness here, and he was able to explain that so far as he was concerned, Kalk is not as yet been heard here, but Kalk was also one of the technicians who had conducted extensive clinical research in Hospitals in the field of hepatitis. He had hepatitis work in the various hospitals where he had his associates working as section physicians, which he controlled, or he checked. This explains why Hagen contacted these well known gentlemen in order to get a group of really experienced specialists from all the fields concerned; that is, first, the clinic, second, pathology, that was Wechsner, and third, virus research, that was Hagen. Gutzeit spoke of the work in the rooms which were formed --- were to be formed, or were formed for hepatitis research. That is shown from the correspondence here.

A witness, on this point I offer an affidavit from Professor Dr. Kalk, of 17 January 1947. It is in my document book on page 53, and is to be exhibit No. 1, in my document book, but I believe the Tribunal does not yet have the document book.

THE PRESIDENT: We have not yet received the English Document Book.

DR. KALK: Mr. President, then I ask to reserve the right to submit pertinent parts from this affidavit of Professor Kalk

later. Or I ask it be admitted provisionally and I will read these parts. I ask it can be translated.

MR. HADY: Mr. Tribunal please, I request that the offer of document at this time be forestalled until such time we have the document back in our possession so we may object if necessary.

THE PRESIDENT: Have you seen the English document back?

MR. HADY: We have not seen it at all.

THE PRESIDENT: Counsel, you have reserved the right to offer this document at an appropriate later time, but as long as the Prosecution and the Tribunal have not the English document back, it would not be appropriate to proceed to read it at this time.

MR. HADY: Very well. In the same connection I also offer report from Professor Hall, which I shall offer and submit to the Tribunal in connection with my other document.

THE PRESIDENT:

Q. Witness, do you have connection with the general yellow fever vaccine production?

A. Yes. Yellow fever vaccine production assignments were given by predecessor in 1942. In 1943 it was reported when the African field of war had been lost, and the necessity for having yellow fever vaccine no longer existed. It was purely matter of production, which was cancelled.

Q. Then, if I understand you correctly, this production assignment went only with the African theatre of war?

A. Yes, only in that connection.

Q. Witness, in connection with the name of Professor Haagen, the term "consulting physician" was mentioned several times. What does this mean to you? What was the position of consulting physician?

A. I believe I can be brief on that point. Handloser has already commented on the position of the consulting physician here. In the Luftwaffe there were consulting physicians. The Fleet Physician was a consulting surgeon, an internal physician, a hygienist, and in the office of the Medical Chief there were also consulting physicians -- from six to, later, about twenty.

The activity of the consulting physician with the Medical Chief varied. It depended on the extent to which the consulting physician could coordinate his military and civilian activity. It was in the nature of the position that these consulting physicians often held a high position in civilian life. They were university teachers or heads of large hospitals or heads of institutions, and their civilian professions did not permit that they stop this activity completely. They had to attempt to unite these two tasks. One man had a great deal to do with his civilian work, may have been in charge of a clinic and teaching in a university. He was available a very little. Others were far removed, and this hampered their activities. Others could find a good deputy in their professional work and, in this way, were able to devote more time to the office of the Medical Chief. That varied

This explains why I in my office had a rather large number of consulting physicians. I could give them very little work to keep them, with consideration of their civilian activity. I could assign only limited duties to them, so that I could keep them as associates. If I had put too high claims on such a consulting physician, demands might have come from the civilian side, and I might have had to give him up completely. Therefore, I always tried to adjust these things so that I would not have to give up the advice and experience of these gentlemen.

Q Now, what was the relationship or subordination of the consulting physician to the Medical Chief, if, in addition to his activity, he continued his civilian profession?

A He was under me only in questions affecting his own activity as a consulting physician. All research work, all affairs of his clinic or his university teaching, or whatever else was his principal position, remained unchanged. They remained under the agency where they had been in peacetime, that is, in most cases, under the Reich Education Ministry or the Ministry of the Interior, depending on where his peacetime position was--the Provincial Administration, or something else. I did not have any right to interfere with this activity either.

Q Professor, will you tell me something about the responsibility of the medical officer in executing his medical service? How is the responsibility distributed to the leading medical officers for measures which he ordered, and to the subordinate medical officer for measures which he executes? Did you understand the question?

A Yes. I shall be very glad to discuss this question.

General Hartleben told the Tribunal about this matter a few days ago. He spoke very clearly and, no doubt, convincingly, but in my opinion he was not quite complete, so that one last point remains open so far as the Judges are concerned.

The medical officer, like other specialized officers, has a double subordination, as Hartleben said the other day. In the first place, the troop subordination, and a specialized subordination. The superior of the medical officer can be both. He can be a medical and a military superior or only a medical superior. I shall explain this by an example which shows it more clearly.

The battalion physician has his battalion commander as his military superior, and he has his division or corps physician as his medical superior. For this battalion position there is the relationship of subordination in two lines and to two persons--the commanding officer on the one hand and the divisional physician on the other hand, but it can be different.

Let us take as an example a hospital. The chief physician of the hospital is the commanding officer on the one hand, the military superior of all the officers, non-commissioned officers, men and patients at the hospital. On the other hand, however, he is at the same time the medical superior of all the medical officers and so forth in the hospital. He can, for example, give an order: Service in the hospital begins at eight in the morning.

That is a military order. Or: The Section physician of the internal section will hold instructions for non-commissioned officers and men tomorrow afternoon. Or: Tomorrow I shall inspect the hospital; section physicians, nurses, non-commissioned officers, and so forth, will be at their posts. Those are clearly military orders. The chief physician in his capacity as military superior can give them.

Now, to stick to this example, the next morning the chief physician begins his inspection tour. In the surgical section he looks at the patients and the case histories. He sees that the case histories are not detailed enough, that some entry is missing, that everything that should be there is not there. Then he can give an order: In two days I want to see these case histories filled out completely.

Now, he comes up to a patient who has just arrived. The section physician presents the patient and explains what his diagnosis is and what treatment he intends to give the patient. The chief physician does not agree. He has the impression that something is overlooked. To take a simple example, the chief physician thinks that it is appendicitis which must be operated on immediately, while the section physician says, "No, I don't need to operate."

Now, the two do not agree. The section physician, who is in charge of caring for the patient, says that it is not necessary to operate. The chief physician, on the other hand has the impression

that something must be done immediately. And now I come to the decisive question: Is it sufficient for the chief physician to say, "My point of view is that this patient needs an operation," and then let the thing go, whether the section physician does it or not? In contrast to the example given before of the case histories, he can not order this patient to be operated on. That cannot be done. He can only express his medical opinion, but the patient must not suffer from this. By announcing his opinion and then doing nothing else, the chief physician would not have done his duty.

Let us carry this example further. The section physician maintains his opinion that the patient does not need an operation. He does not operate, and the patient dies. Then, without doubt, the section physician is responsible. He made a mistake, and he would be punishable, but the chief physician would not be free from guilt, because he had his duty. It is the task of the supervising medical officer to take adequate precautions. Although he was of the opinion that the proper medical treatment was not given, he did not worry about the matter; he let things take their course. He could be called to account too, because he did not see to it that some one else who treated the matter better, in his opinion, was called upon, or, perhaps, that he himself did it.

Here is the distinction: The superior can not give the order for a certain type of treatment. He can only give instructions. The responsibility for medical treatment lies with the doctor actually treating the patient. That is the difference between instructions and military orders in the Medical Service.

Now, I may add one thing which has already been brought up here. On the basis of meetings, directives were issued for treatment. They are included in this matter of instructions. This is something else that has not been brought out enough yet. If we gave instructions which were based on ample experience of qualified and trained doctors, then we had to make available the necessary facilities for such treatment. It was important in this field that the doctor have the facilities, the equipment or the drugs which he needed to carry out his treatment. If we issued such directives for treatment then it was inseparably connected with this that the facilities mentioned were also issued, that the doctor in the field have the opportunity of getting the drugs or the special equipment which he needed for the recommended treatment.

Q Professor, you want to say that the chief must exercise care in the selection of physicians?

A Yes.

Q But that then he has no more influence on the execution of the instructions given, unless he has misgivings about the quality of the physician, or that subordinate medical officer?

A Yes. For that reason, I reserved the right to appoint doctors at the large hospitals myself in order to be sure that the right people were put in the responsible positions.

Q Now, I come to the next question. You have spoken several times of research assignments. Will you please tell the Tribunal something about research assignments as issued by your agency?

A There were two ways for such assignment. One was that the tasks were carried out at our own institutes; the other was that they were carried out in institutes which did not belong to the Luftwaffe. For the first way this developed mostly from the work of the institutes, which partly on their own initiative, and partly from us, obtained assignments. In the second place, there were various possibilities. First, we might learn that some institute or other was working on things which interested us, or that the directors of the institute approached us and asked us for support in some field. Then we examined the matter and the heads of the institute made clear for costs or for personnel needed for the experiments, and then we issued the assignments. The planning -- for example, take the typhus vaccine assignments which were renewed from year to year. In 1941 Haagen asked for them and then an extension was asked for repeatedly because the work had not been finished.

Q We'll come to that later, Professor, what can you say about participation in typhus experiments with which you are charged? I shall show you document book 12 of the prosecution, page 79, document number 137 of the prosecution, Exhibit 159. Do you have that? From this, the prosecution concludes participation or knowledge of your office concerning the typhus experiments.

A No; that is the typhus vaccine assignment which was issued to Haagen at that time. This is a production assignment for typhus vaccine. It is not a research assignment about typhus. That is how I understand it. It was issued for the first time in 1942, renewed in 1943, and renewed again in 1944.

Q This assignment could not have been given under your --

A No, it was given in 1942.

Q Now, will you please look at Document No. 131 of the prosecution, Exhibit 309, in the German Document Book, page 99, Document Book 12. What conclusions can be drawn from this document?

A That refers to the same thing that has just been said. I said, vaccine assignment, as the text says here: "The research dealing with

dry spotted fever vaccine from vitelline sac cultures are to be continued. Therefore the 4,000 RM requested for the research fund are being placed at your disposal." It is signed by my Chief of Staff, Kant. That explains what I just said. The assignment was issued in 1942, and renewed in 1943 and 1944. I must briefly go into our financial management. I assumed that in 1942, Haagen made an application in which he estimated the cost, but, as is no doubt the case in other countries too, our budget was always only from one fiscal year to the next. That was from the 1st of April to the 31st of March. But, I shall give an example -- if Haagen estimated the cost at 12,000 RM, and said from the very beginning: "I will not use that up in the first year; that will take some time," Then an allowance was given him for 4,000 RM. Then, in the next year, he needed to give only a brief application, and he received another sum for the next year, and that was how it was here. He got this money again. This explains why this research assignment was not shown to me. It was taken care of by my Chief of Staff. It was in his competency to take care of such current matters which were not anything new. That would have been unnecessary delay, if that had been left for me.

Q Witness, do you know anything about experiments on human beings, conducted, or said to have been conducted by Professor Haagen?

A No; Haagen never told me of such experiments, either in writing or orally. He did not have any assignments from us which included such work. The yellow fever assignment had already been withdrawn, and the typhus vaccine assignment, as the document just shown indicates, was an assignment to produce vaccine from vitelline sac; that is, chicken eggs -- and that has nothing to do with human beings.

Q What were your personal relations with Professor Haagen?

A I really didn't have any personal relations with Haagen. I saw him once or twice -- once, maybe. Once I visited him briefly in Strasbourg. I was on an inspection trip. I looked at the surgical clinic in Strasbourg, primarily, and the things connected with it. It was under Professor Zugschwerth, who was a consulting physician under me, and the time was very

short, but I was in the Hygiene Institute briefly. I visited Haagen there. He showed me his institute and I remember particularly from this institute the large supply of animals. He had very well arranged and cared for stalls for animals so that one got the impression, which he confirmed when I questioned him, that his institute did a great deal of work on animals. Our office often had to help him to get experimental animals, but, in the whole institute, the whole arrangement, there was nothing to indicate that there was any connection with experiments on human beings. The persons who were with me at the time will testify, no doubt, confirm that nothing was said about human experiments, but only about animals.

Q On this occasion, did you see laboratories for the purpose of production of vaccines?

A Yes, Yes; we went through them.

Q You were no doubt interested in this production; weren't you?

A Yes; the instruction rooms, the university was connected with the institute, there was a big lecture hall where a course was taking place and then several smaller laboratories, divided into the various types of vaccines, where vaccines were produced.

Q Professor, will you tell the Tribunal about your attitude toward experiments on human beings?

A My attitude no doubt does not differ from that of the scientific world in general, the principles recognized by the scientific world in general. In experiments on human beings, one must differentiate three groups: First, experiments in which certain poisons, disease, germs, are introduced into human beings. Then, experiments in which vaccines are introduced into the body. And, in the third place, experiments in which the environment is changed. In the experiments under one and two, these experiments take their course through the blood when material has been introduced into the body. In the experiments under three, changes of the environmental conditions, the person in charge of the experiments always has the power of changing the conditions of the experiment immediately. If there is lack of oxygen, one can introduce oxygen. In the case of drinking water experiments, one can give the subject drinking water. In other certain experiments, one can often produce conditions that will restore normal conditions.

Q What persons or group of persons may conduct such experiments on human beings?

A Primarily, the physician himself and his assistants, may experiment on themselves. That is common in medical history, and many doctors have been known to have experimented on themselves.

Q Then you are speaking of experiments in which the doctor experiments on himself to achieve a certain purpose, can the purpose always be achieved by such experiments alone?

A No, that is not always possible. Often, it is necessary to extend the experiments. It is an old custom, that the assistant or medical student, or Cadet, in the Medical Corps, volunteer for such experiments.

Q What significance do the war determined conditions have in this connection?

A The war perhaps created new situations such as epidemics also can create and it can be necessary to use other experimental subjects than the ones just mentioned. The suggestions are given and have been carried out on

criminals, who have been condemned to death. They are given an opportunity to atone for their deed in a different way by volunteering for such experiments.

With all the objections which one could have to such experiments, and which are often expressed, I would still have one thing to say under war conditions; the military superior in war time is often forced to give young enthusiastic soldiers assignments demanded by the conventions of war, which will almost certainly bring about the death of these young soldiers.

If one must give such assignments, then I believe it is possible in these experiments, which I mentioned, first, if they actually have a really vital purpose and the results of which will save the lives of many other people, then I believe one has the justification to order such experiments.

Q Then, if I understand you correctly Professor, you say that under certain conditions experiments on human beings are permissible?

A Yes.

Q How do you imagine such experiments are carried out from your point of view?

A Of course, such experiments are justified only if all conditions are fulfilled, that is to say if animal experiments, experiments on one's self, and experiments on a small scale have been exhausted, then one can go over to those which were just mentioned. But, I hold the point of view that for the mass of medically necessary experiments, the experiments in the hospital must be the decisive thing, that is the drugs, etc., which are to be tested must be tested on the patients with all the conscientiousness of the doctor, but at some time the thing must be taken out of the laboratory and put into practice - vaccines and drugs equally - but the plunge must be taken in such a way that it does not bring about unavoidable harm. No doubt there will be failures, the drug will fail and it may bring about reactions on a large scale, which had not been foreseen, headsickness or something. These are things which are always unavoidable, but they are bearable and are justified.

Q Witness, perhaps you remember Dr. Haagen's report on the observations of a newly introduced vaccine - G.H.E.?

A Yes.

Q It is in the German Document Book 12, Pages 120 to 122, it is Document No. 130 where this report of Haagen is dealt with; then Haagen's further report, which the Prosecution has submitted, Document No. 302 - Exhibit 302 of the Prosecution. You will find that on Pages 90 and 91 of the Document Book 12, Page 86 of the English translation. Haagen's report is on Page 120 and the other report is on Pages 90 and 91 of the German and No. 86 in the English.

A This first mentioned report about the vaccine was issued by Dr. Haagen in connection with typhus vaccines with the air fleet. This is an essentially well known vaccine; typhus para-typhoid A & B and cholera. This is a mixed vaccine which other nations have frequently used too. In this type the amount of the various vaccines had been changed. I don't know what the purpose of this kind of simplification was intended for. It had been tested and was to be used on the troops on a large scale. Haagen made a very detailed report and he described high temperatures and 90% fever in one unit and in another 5% to 7%. He described the various effects of this vaccine, but on the whole it was not as advantageous and did not have the effect desired. The loss in efficiency of the troops were quite high on the whole. It was the thing, which I have mentioned before, one must take the plunge with chances and one sometimes has such experiences, but these must be borne in the interest of the community as a whole and to not bring any actual harm to the persons concerned.

The second report is characteristic, because it pertains to the typhus vaccine work which Haagen was to do for us, and as the report shows various methods of vaccine production from chicken eggs. The question was mentioned, which is better and which produces the greatest quantity of vaccine; and Haagen as consulting specialist comments on this question. He comments on the assignment given, he gives the opinion of the Behring work for example on their manner of production.

DR. MARK: Mr. President, the defense case on this point is not yet complete, because I do not have the answer to the questionnaires sent to a former associate of Professor Haagen, Pauline Kredel. Unfortunately, I learned of the address of this witness too late so that for this reason my letter and her answer were delayed. I ask to reserve the right to submit her answer later, together with any other Documents.

MR. McHANEY: The prosecution would like to serve, at this point, that we will undoubtedly insist that the witness Kredel, which the defense counsel has just mentioned, be called to Nurnberg to testify and we will not look with favor upon the submission of any affidavits or interrogations unless the witness is actually here on the stand. This woman, Kredel, was an associate of Dr. Haagen about whom we have heard considerable during the course of this trial and if the witness does not choose or cannot be brought to Nurnberg, then, of course, the prosecution is going to object to the admission of any statements or affidavits made by her.

THE PRESIDENT: Would it be possible that the Prosecution could be of assistance in securing the attendance of this witness?

MR. McHANEY: So far as I know, we have never received any address on this woman. If it is furnished to the Secretary General's office, I suppose they have ways of bringing the witness here and the prosecution will be only too glad to assist in bringing her here.

THE PRESIDENT: Of course, all applications from the Defense Counsel for the presenting of witnesses pass through the office of the Secretary General and they are examined there.

MR. McHANEY: If the Tribunal please, it has been requested by three

or four defense counsels for the testimony of this witness. We have always understood that she would be brought to Nurnberg. Now, the defense counsel has just mentioned that they have mailed three or four questionnaires to her and something in the nature of an interrogatory. I would like to point out that the prosecution will most certainly object to that when it is offered. We think the witness should be brought here, she worked with Haagen and no doubt she has considerable knowledge of what he did.

THE PRESIDENT: The Tribunal, of course, understands your position, Mr. McHaney and the position of the defense counsel as well. Of course, if the attendance of the witness here is impossible, the last part of the affidavit would be eliminated, that is if interrogatories and cross-interrogatories should be submitted to the witness.

BY MR. MARX:

Q Professor, I now come to the experiments in making sea water drinkable. This was the only experiment in which you participated directly and which was conducted under your responsibility; is that right?

A Yes.

Q Thank you, was this the solving of a problem, which was of great significance from a military and medical point of view?

A Yes, it was a problem of great importance. To make sea water drinkable on ships is a question, which has long been solved, but in cases of distress at sea on a rubber raft or life boat to make drinking water out of sea water up to 1944, was an unsolved problem.

Q Now, why does this circumstance have such great importance?

A Experiences of distress at sea have shown that the problem of thirst is by far the most serious problem of distress at sea. The freezing which many shipwrecked persons suffer, is doubtless in the final insight also very serious, but not so much psychologically. Frozen persons, lose consciousness in the course of time, while persons suffering from thirst retain their senses and suffer great pain and torture and have often even committed suicide by drowning themselves in the water. For example, it is not hunger that tortures them, but thirst, which makes their suffering unbearable.

Q Then, as medical chief, you considered it your duty to take advantage of any opportunity to examine it carefully in order to solve this question and to test it for its practical applicability?

A Yes, that was an urgent question in my sphere of duty.

Q Now on the basis of your long career in the medical service, did you not have practical experience in this field?

A Yes, in the Mediterranean. When I was fleet physician in the Mediterranean area, I often had an opportunity to see fliers, who had been rescued at sea and who were in my hospitals. It was always the same question or answer that one was given, when one talked to them about the incident, that the problem of thirst worries was always the worst.

I remember one case in particular. It was a young pilot, who had been six days and seven nights on a raft in the Mediterranean. He was a student of Natural Science and he had taken a very critical attitude. He had observed his condition very well from his knowledge of biology. I spoke to him one or two days later in the hospital. When he was rescued, he had lost all of his supplies and all of his equipment; he had merely his raft and a flare. So, he was in the water for this length of time. In the morning he collected the dew, which had formed on the raft during the night and drank it. He drank small amounts of sea water and that was all that the man drank or ate in these six days and seven nights. He was found in a pretty bad condition, but I saw him about two days later and he was quite recovered. He had been given water, he had eaten and after a few days he was released from the hospital and was given leave, but, within two days he had overcome this period of six days and seven nights without food.

Q Then it was such a consideration which occasioned you to follow up this problem?

A Yes.

Q Now, when did you learn for the first time that this problem had been solved?

A In May '44, in the first few days, I can't say exactly when, but as far as I recall it was about that time the director of my aviation medical research institute told me -- that was Professor Stuckhold -- told me that he had found a solution in his institute. He had a young associate there -- that is Dr. Schaefer here -- who had solved the question.

I was, of course, greatly interested and I asked him to prepare this so that I could look at it. Then a few days later when I happened to be in Berlin I went to the institute and Schaefer showed me his process. That is when I met Schaefer. He mixed sea water with a salt mixture and put the whole thing through a filter, and then he gave me this filtered water for drinking. I drank it, and I can only say it was fresh water. It was quite drinkable. Then I talked to Schaefer about it for two reasons.

In the first place, in order to get a kilo of water one needed 200 grams of this salt mixture. In the second place, a rather complicated filter was needed, and since in the sea emergency equipment -- and I was often interested in such matters -- we worked with a letter scale, I might say, and with a very limited area space, this large amount of salt and this complicated filter I wondered whether that wasn't too voluminous for the sea emergency kit. That was an objection which I raised first. Schaefer told me that he would improve this process so that the proportion would not be one to five as it was now, but one to ten. That was a considerable change. And he also told me that was only an emergency filter here; that it could be made differently so that it wouldn't take much space. I made a suggestion that the filter could be used in padding or something like that. That was my first acquaintance with a solution of the seawater problem.

THE PRESIDENT: The Tribunal will now be in recess for a few minutes.

THE MARSHAL: The Tribunal is again in session.

BY DR. MARX:

Q Witness, when did you hear for the first time of the Berka procedure.

A I think that this was in May 1944. At that time I heard, for the first time, of the experiments, which were carried out at the Aviation Hospital in Vienna by Oberstarzt Von Serani. At the time the situation was as follows: At that time two procedures were discussed; one which we had tested in Berlin, and the other one had been tested in Vienna from the technical side, independently from the medical aspect. Toward the end of May I was informed by the Section Head of the Medical Department, by Oberstarzt Marx, that these questions should now be decided, and he requested me to attend a lecture by Becker-Freyson, who had participated in a meeting at the technical office. The technical office was an agency in the Luftwaffe which dealt with all technical questions, from the development of airplanes to the technical details, also with the equipment of aircraft and other things which were in any way connected with it. It was not always quite easy for us to work together with the technical office because very frequently the technical office worked on questions which pertained to the medical part without complying with the medical advice. Exactly the same thing was done in this case; they had developed this Berka process, and they had tried it as purely a technical matter, by finding a drug which was primarily developed on the sugar basis, and which also contained some component to improve its taste, and which was to be added to sea water. With this drug the salt in the sea water was not chemically tried and afterwards removed from the water. This was done in the Schaefer process, but only the taste of salt was improved by adding sugar and other aromatic materials. The technical office had also initiated experiments on its own initiative. The engineer of the technical office would have developed a Berka process, and he was at the Technical High School of Learning in Vienna, and he had carried out his work in the laboratory there, and he then contacted one of our physicians.

Q Please speak a little slower.

A Then he had conducted tests and he had tested this drug which he had developed at the hospital in Vienna on patients who were slightly ill. The results appeared to be rather favorable so that the opinion was reached there that the drug was ready to be introduced. In addition to this Professor Eppinger, one of our most famous internal surgeons, had moved to Vienna; and he likewise expressed himself in favor of adopting the test. That is, he expressed himself in a very cautious manner, saying that he considered as feasible the possibility of pushing the sedative through the body.

A special situation had arisen for me as medical chief. I had to consider two aspects, first of all, the purely medical aspects; and on the other hand I had to consider the possibilities of carrying out the plan. What use would the best possible process be to me, as, for example, the Schaefer procedure, without first considering the standard of research at that time, if I did not have the necessary raw materials? Our position in 1944 was mainly influenced by the fact of what was given and still available, possibilities of production. The question was could I still realize my intentions and plans at all with the raw materials available.

With the Schaefer process the following things were needed: first of all, extensive technical facilities, which required a large percentage of iron. Furthermore, for the production quite a considerable amount of silver would be needed constantly. These were two things of which a great shortage existed for us. No new facilities were required for the work of procedure as we only needed sugar and some other materials which could easier be furnished. The technical office only saw these things from the basis of available raw material; and I can understand their point view completely because on the one hand there was a lack of materials, if superfluous, they still were necessary.

I now had to reach a decision. Can this product which is now favorable with regard to raw materials be used because the laboratory tests and tests at the aviation hospital in Vienna, in spite of all other doubts,

were still in favor of adopting this process. Also, the opinion of a man like Eppinger, who was wellknown even outside of Germany, was favorable toward adopting this. Thus, a situation had arisen for me which could not be answered with yes or no. For example, the possibility might have existed that for several days or a longer period of time the work could be produced and then the sea rescue equipment would have been combined; and in the instructions it would have been stated that one thing is to be used for the first four or five days, and then the other process is to be adopted. In addition to this, the Berka drug could be dehydrated into the size of small cubes; and thus it was a salt mixture which could be easily handled. All these questions had to be discussed by me when these two opinions were handed to me in May, 1944, and were subject to discussion.

Q Was any agreement reached that both drugs were to be tested alongside each other?

A No. No agreement was reached in the course of this meeting. I was absent on a more extensive trip; and in the technical office as well as on my part the decision was postponed. Becker-Freysing as my deputy then requested Eppinger to come to Berlin; and, further, some other men of the technique formed a smaller circle; and the views pro and con were discussed. Then on the basis of the very clear attitudes of Eppinger and Hauptner an experimental theory was considered which was to be a parallel test of the two procedures in order to compare them with each other. In a very short time experiment these two procedures were to be tested next to each other.

Q Witness, what did you do in order to make such an experiment on as possible?

A As I have previously stated I first of all turned to the medical section. I wanted to carry out these experiments with our candidates at the meeting because these young medical men were particularly suited for such experiments. They were also able to make observations on themselves and they could set clinical controls which were applied. They could carry

themselves. Thus they could have learned something themselves and then they could also have collected this experiment, which was important to me at the same time.

Unfortunately this could not be done because in the meantime--but I do not know when--I returned from my trip; and an order had arrived from the general staff that these candidates had to be sent to various units; that is to say, that they were put into newly activated units.

DR. MARX: May it please the Tribunal, I shall offer the statement of the witness in evidence by presenting a statement of General-Arzt Dr. Schmidt, who at that time was Commander of the Medical Academy of the Luftwaffe, and I shall submit this affidavit, together with a document book "Schroeder."

BY DR. MARX:

Q. Witness, now that this possibility did not exist any more, what further steps did you take?

A. I then turned to the hospital and in such cases I always liked use troops myself in experiments or in other tests of a technical kind, and that was the aviation hospital at Brunswick, and it was directed by General-Arzt Harringhausen. He was a man who was ready to act in all suggestion with the testing of dressings and similar things or special methods of treatment which were to be tested, and I knew that I could find special support and assistance there. I called Harringhausen by telephone and asked him if he could assist me. However this attempt failed also because he wanted to go back to something new. These things took place towards the end of May at the beginning of June, 1944, at a time when we were evacuating hospitals, the West and transports of severely wounded patients were being transferred to the homeland and when Brunswick, Halle, Greifswald were all receiving such a large number of severely wounded soldiers, so that we were unable to put lightly wounded patients in a sufficient number which could have been used in the experiments. There was also an additional factor, the air attacks began to grow in intensity at that time so that the bringing in of the patients several times a day into the air raid shelters and bringing them back into the hospital made orderly supervision impossible and could not guarantee them any more under these conditions. Therefore, it was also impossible to carry out experiments at Brunswick.

Q. Are you able to tell us at what time this notification was sent to General-Arzt Harringhausen?

A. Yes, on the 1st of July. It was by accident effective on the 1st of July that he was promoted to General-Arzt. I had intervened in order

have him promoted and on the 1st of July at noon I received notification that the promotion had been approved. I then called him by telephone and that occasion I discussed this request with him. Otherwise, I would not remember the dates any more, it was July accidentally.

Q. May it please the Tribunal I shall present an affidavit of the General Arst Herring Hansen to the Tribunal on that subject, which shall be contained in the Schroeder Document.

THE PRESIDENT: These affidavits may be presented with the document book is prepared

BY DR. MARX:

Q. Professor, will you please now tell the Tribunal about the continuation of this matter.

A. May I add, that Beigl-Bosch also tried to lodge this series of experimental persons at his hospital at Harbis but that failed also.

Q. Witness, you have already described to us in very short sentence the situation that prevailed at the time and the situation which confront you.

A. Yes, there were the big difficulties. That was a time of the general attacks and air activity over Germany was particularly great on the part of the enemy, and on our side the last efforts were made and where we tried to obtain everything that could be obtained at all, and also the hospitals had to make room, because as a result of the air attacks hospitals were constantly lost and thus the situation was such that such a number of experimental subjects which might have been carried out formerly without trouble and we did carry out troop experiments in hospitals and they could have been billeted there without any difficulty. This simply could not be done any more within the frame of such a hospital where the bed space was about eight to nine hundred beds.

Q. Therefore, you were confronted with a certain emergency situation because these experiments had to be carried out somehow.

A. It was an emergency situation because on the one hand a decision was urgent and on the other hand I had such difficulties in order to find a

place to carry out these experiments, then the suggestion was made to me which originally came from the technical office, to carry out the experiments in a concentration camp, because it had been shown by experience that no large scale air attacks could be expected there. I then went to see the Reich Physician SS Grawitz, and I described the position to him and I asked him if he could help us in this respect and with regard to this matter I had been told at many agencies that already on a number of occasions previous we had been aided by the Dachau concentration camp. However, I told him of all I wanted to discuss these things with him in order to see clearly if this was feasible at all and that I did not get another disapproving statement in this case if he were to declare to me beforehand that it was impossible. However, Grawitz considered it quite possible but he told me the decision was not up to him and that the matter would have to be referred to Himmler, as I then discussed the matter with him and I said: That I knew that we from the Wehrmacht occasionally were furnishing people to the concentration camps. They were people who had been dishonorably discharged from the Wehrmacht, and they were people who had also been soldiers and who perhaps should be given this opportunity so that they could volunteer for such an experiment for their former comrades, which in any case did not result in any damage to their lives or their health. Furthermore, I told him at the time it was possible for us to obtain full aviation rations for that period of time and that full hospital rations should be an attraction, that is an allotment of food which is about twice the ration of food in Germany, because the food for aviators was between 3500 and 3800 calories and at the time the food in Germany contained 1500 to 1700 calories, and this certainly should be of some attraction to some persons, because military personnel is always greedy for increased food rations. I then briefly described the process of the experiments to him as they had been described to me but I did not go into detail for the most part because these things were things supervised by us and we had agreed on that in the preliminary discussions. Then Professor Reiglboeck, an especially experienced medical man, was to be in charge of

the experiments and that this exclusion of damages to the body and the physical health should not rest with the agencies of the SS, but that the responsibility for it should rest with the man in charge of the experiments who was appointed by us. This agreement was made with Grawitz and I requested him that if he did not want me to route the request over him to the Chief Minister of the Interior and to the Chief of the Police, that we should explain the situation to Himmler, in case he desired that, because I did not know him personally, and because I did not have any contacts with him and we remained with this state of affairs at that time, and later on and only after the experiments had been concluded I found out that gypsies had been used for them. I have seen here from the correspondence that Grawitz raised an objection on one spot. I assume that these objections were based on discussions where I spoke of former soldiers unfit to serve in the military forces and I hoped they would be furnished to me for the experiments.

Q Professor, did you express it clearly to Professor Grawitz that volunteers, that is people who were voluntarily participating, were necessary in order to guarantee success of the experiments?

A Yes. I emphasized this particularly and I would like to say, not only with regard to what has developed here now but for a different reason it was a soberly medical point of view because in particular in the case of such experiments it well depended on the person and I made a difference already in the discussion with regard to experiments with virus infected or some other bacteria or diseases, or experiments where the surroundings were changed - and our experiments belonged to the last category. If in case the experimental subject does not himself actively participate, but already on the very first day when he does not feel so well he says, "No then I will never be able to reach any success whatsoever on a human being that I would have to force every day to drink something. With that person I would be unable to achieve any results. But he must have a certain amount of interest for the experiment. I must explain the subject to him previously - that he will take an active part in the experiment - and I ask him "Are you interested now to go through with the experiment?" For that reason his volunteering is the most important part on this subject. I cannot do that with persons when forced to take part in the experiment.

Q Witness, on the 7th of June 1944 you addressed a letter to the Reich Minister of the Interior and Reich Fuehrer-SS. This letter is contained in Document Book V of the Prosecution, on page 16 - Prosecution Document 185, Exhibit 134.

Before I continue, Mr. President, I would like to point out a note which has been sent to me, that previously the period of time of the telephone conversation with Harringhausen is alleged to have been placed by mistake on the 1st of July, should be the first of June, and not the first of July, which is also confirmed by letter to the Reich Minister of Interior and Reich Fuehrer SS.

Professor, do you have this letter before you?

A Yes.

Q It contains the following: "It already gave the Air Force the possibility to clarify the matter under question of experiments on human beings." How did you make this introductory remark and how did you know anything about experiments which had already been carried out there long before your appointment in the office of the Medical Chief?

A I was told in the course of discussion. The question whether the experiments should be carried out and I have already stated that two possibilities existed for me, to carry out the experiments in the Academy and in the hospital -- and that I failed in these attempts and had to choose another way. On that occasion I was told that something regarding this had been done and that experiments had been carried out in concentration camps. In those camps at the time I wrote the letter - I did not know anything the composition or organization of these camps. It may sound strange for me to say that today but that is exactly the way it was. At the time I wrote the letter - at the time I signed it - I did not know that any foreigners were confined to these camps. I was only informed about that after the capitulation and I only thought of dishonorable discharged men of the German Air Force.

Q And then you write further. I quote: "I am again confronted by the decision which after numerous experiments on animals must have a final solution by means of experiments on volunteer human beings." From this it could be concluded that now the experiments were not to have been carried out any more on volunteers and that possibly they should be carried out on persons who were forced to take part in them. What is your opinion on that project?

A I believe this conclusion cannot be drawn from it if you consider what I have stated with regard to that subject earlier, because neither in the academy nor in the Luftwaffe hospitals, would I have been able to have experiments carried out on involuntary subjects because the natural requisite would have been the voluntary character of the experimental subject

And I can't understand why it should be different here when it appears natural in the two different places, and aside from the fact of what I have just stated. The active participation of the experimental subject with regard to an experiment designed in changing the surroundings - this also applied to the high altitude experiments in the same way.

Q Therefore, by adding the word "involuntary" you wanted to express the fact that in this expression volunteers were again involved?

A This was a statement which I included as natural.

Q Professor, when you approved these experiments did you have an idea that these experiments were dangerous to the health and life of the experimental subjects?

A No. I did not burden candidates at our school with experiments which would be dangerous to health or life. And, in the second place I have practical experience from the time when I was Fleet Medical Officer and I described here a young aviator who for six days and seven nights had rest in the Mediterranean. Now, this was certainly an extreme case. However, I have seen many other cases of persons who had drifted for several days - 2 or 3 days. And, at that time in the Mediterranean area we had pointed out to the internists, and the consulting internists also made close observation about it, whether these people through drinking sea water had resulted in damage to the kidneys, etc, and we have found nothing at all. But, in every case we were confronted by the same picture when the person concerned had been rescued, when given fresh water, milk, or any other liquid - coffee, tea, or any other liquid connected with fresh water - the greatest amount of illness was already removed. I really had experience on account of my previous activity.

Q So, the manner of the planning you have, in your opinion, taken precaution to avoid all dangers?

A Yes. That was clearly understood - that physical damage had to be avoided and also the experiment had to be interrupted if this water was refused. That is to say, if the man says, "No, I cannot go on any more" - then they were to be discontinued.

Q What do you know generally about the use of sea water in medicine and what do you know about the potential damage which sea water can inflict?

A I also had some experience in that regard. In the years 1937 and 1938 when I established the Aviation Hospital Westerland on the Island of Sylt then I also had, for certain reasons, included certain facilities in this hospital and also the equipment necessary for sea baths and also drinking cures because, especially in the Thirties, in the literature with regard to urology there was a lot said about drinking cures and sea water and also that certain successes could be achieved with it in an extremely simple manner, just by merely drinking sea water. Amounts of five hundred grams or more were prescribed or suggested as daily doses and I wanted to have this problem worked on scientifically more in detail and I had also used specialists for that purpose. I had already had a certain insight into the compatibility of sea water. I believe I can state in connection with this that all persons who have ever bathed in the sea certainly have always swallowed some sea water and if they jumped into the sea they probably have not had the impression of jumping in a solution of poison, in order to use the words of the prosecution which spoke of the poison contained in sea water. I do not believe that this corresponds to the scientific and medical facts.

Q Professor, you have already previously mentioned the fact that this was a very old problem. It was a question of solving the condition of thirst of people who were drifting on the sea?

A Yes.

Q Do you know how other nations attempted to solve this problem during the war?

A Yes. They had exactly the same problems as we had and nobody was further ahead in solving the problem. I knew about all the things achieved by the American Air Force and their conditions were not better than ours. There were two things: One was a fishing equipment. The idea was that the person adrift at sea in his rubber raft should catch fish and that these fish could be eaten and that the juices contained in them would already

protect the person adrift at sea from suffering thirst. Well, this is not strictly orthodox, but this method could be used. Then, the other method was also brought up by the American Air Force. It was an evaporating plate -- it was a cellophane plate in which a felt plate had been inserted. It was inserted in the water and then this plate caught the water and then the plate with the cellophane side was held against the sun. Then the sea water evaporated and then it came down in small drops from the plate. Then below this water was accumulated. Some water could also be gained in this way, but in order to do this the sun had to shine. Otherwise it was impossible to do it. This equipment was used in the Mediterranean but for the English Channel and the North Sea it was not effective. We had these experiments repeated there and they did not show a sufficient amount of success. This problem was acute for all persons who were flying over the seas. It had to be solved but everybody was confronted by the same difficulties. The scientists here and over there were confronted by the same problems and afterwards the process which was developed by Schaefer was tried or experiments were made with it later on by the American Air Force. I cannot give you the chronological order of these things, but that is the way things are done in science. Various things are solved in the same manner at various places.

Q Professor, what can you tell us about the results of the experiment at Dachau? When did you receive a report about it?

A After the conclusion of the experiments. From the evidence which has been offered here I believe that was towards the end of October. I cannot remember the exact date, I can only remember the fact that one day at the hospital at the Flakturn this discussion took place and that I only heard part of it because I had to go elsewhere. The result was what we had already expected from the medical point of view. That for the time being only the Schaefer Method could be used and that the Berke Process could also be used for several days but that we still had to decide on a final aid and that the Schaefer Process was to be improved and adapted and that for aircraft such packages were to be issued.

Q. Did you receive any report that physical damage had been done in the course of the experiments or even that fatalities occurred in connection with the experiments?

A. I was expressly informed of the fact that no physical damage, no fatalities had occurred in compliance with my instructions. I assumed that to be natural because that was the basis on which the whole experiment had been ordered. But I asked that question specifically. I made that inquiry and the fact was confirmed to me.

Q. Therefore, if I have understood you correctly, then the core of your instructions was the limit of computability and that this limit was not to be exceeded? That is to say, that those people were not to have their health impaired?

A. No, that would have been contrary to my intentions. I wanted to ascertain what the aviator can do when he is adrift at sea and not what he

cannot take. By giving an overdose I can inflict damage with every drug. I only wanted to see how much they could take.

Q May it please the Tribunal, this concludes my examination of the defendant Professor Doctor Schroeder, except for listening to experts and by calling witnesses and I am not as yet ready for that at this time for the following reasons. The sea water complex will be dealt with once more in the course of this trial with regard to the defendants Becker-Freyson, Beiglboeck and Schaefer. It therefore would be a superfluous repetition on the Tribunal if at this time and in connection with the examination of the defendant Schroeder evidence should be offered by experts on the subject. I therefore request that I be reserved the right to also deal with this complex when the evidence is offered for Becker-Freyson, Schaefer and Beiglboeck at a later period of time and then to be permitted to re-examine Professor Schroeder again.

THE PRESIDENT: Counsel may have the right to cross examine the witness and re-examine the defendant Schroeder at that time if he desires. That right may be reserved to counsel for defense until the latter is brought in the case against the defendants mentioned.

As for the name of the witness whose presence he desires here, I didn't get it.

DR. MARK: In the complex of sea water, Professor Vollhardt will appear here. Or this may be the female witness Gredel.

THE PRESIDENT: I shall request information concerning the progress being made in finding this witness.

MR. HOLMES: If the Tribunal please, the prosecution, of course, has no objection and, as a matter of fact, is highly gratified that the defense counsel for Schroeder does not plan to burden the court with duplication of expert testimony. However, unless compelling reason is shown for again calling Schroeder to the stand after that testimony, I think I must interpose an objection to that procedure for the reason that if a precedent is set in this case of permitting a defendant to appear on the stand again I'm afraid it will prolong the trial intolerably.

THE PRESIDENT: Of course, Counsel for the prosecution has the right to object. It will be understood that there will be some good and sufficient reasons for recalling the Defendant Schroeder to the stand. Counsel may be heard from at the time the effort is made.

MR. McHANEY: Very well, Your Honor.

THE PRESIDENT: Court will be in recess until 9:30 tomorrow morning.

(A recess was taken at 1430 hours until 0930 hours

26 February 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 26 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the court.

THE PRESIDENT: Mr. Marshal, you will ascertain if the defendants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present with the exception of the defendant Oberheuser, who is absent due to illness.

THE PRESIDENT: A certificate having been filed by Captain C.K. Roscoe, U.S. Army Medical Corps, to the effect that defendant Oberheuser is unable to be in court due to illness, the defendant will be excused from attendance today, it appearing to the Tribunal that her absence from court will not prejudice her interests and her counsel being present. The Secretary General will file the doctor's certificate. Counsel may proceed with the examination of the witness

OSKAR SCHROEDER - Resumed

DIRECT EXAMINATION (Continued)

THE PRESIDENT: I was informed by the Marshal that counsel for the defendant Schroeder desired to place a witness on the stand, one witness Jentsch. If the witness is in a hurry to leave, the testimony of defendant Schroeder could be temporarily suspended.

DR. MARK (Counsel for the defendant Becker-Freytag): May it please the Tribunal, the matter pertaining to the witness Jentsch has been clarified. The witness Jentsch can be heard this afternoon.

THE PRESIDENT: Counsel may proceed.

DR. SERVATIUS: I am representing Dr. Nelte, counsel for the defendant Handloser. Dr. Nelte is unable to attend today.

BY DR. SERVATIUS:

Q. Witness, you yourself were Medical Chief of the Luftwaffe for a

period of more than a year?

A. Yes.

Q. When you asked for a furlough, did you need the permission of the Chief of the Wehrmacht Medical Service?

A. No.

Q. If you had violated any regulations, were you subject to the disciplinary authority of the Chief of the Wehrmacht Medical Service?

A. No. The Chief of the Wehrmacht Medical Service did not have any disciplinary authority over me.

Q. When you wanted to have some people promoted, did you need the approval of the Chief of the Wehrmacht Medical Service in order to do that?

A. No.

Q. The things we have just discussed, are they not important indications of relationship with regard to the fact that he was your superior?

A. Yes. In military life these are the characteristics of a military superior relationship.

Q. I can deduct from this that Handloser was not a professional superior to you?

A. No, he was not my superior with regard to our professions.

Q. At the time the Chief of the Wehrmacht Medical Service was appointed, was this action welcome by the branches of the Wehrmacht?

A. When this agency was established in 1942, I did not see it in the Ministry because at the time I was the Fleet Medical Officer of Sicily. But from some discussions at the time and later on I know that opinions on the subject were divided. At the time in 1942 when I saw for the first time this regulation in the regulationsheet, later on when I as Medical Chief had this position myself, and when I had to work with the Chief of the Wehrmacht Medical Service, I had always emphasized that I welcomed the establishment of this agency. However, I know that other people had a different point of view with us.

Q. Was there a clear settlement of the medical leadership wanted?

A. No, I do not think so. That situation arose from the conflicting opinions. I believe the idea of the superior relationships which were organized in a military manner was that this establishment of an agency in the middle of a war was not to cause any disturbance and unrest in the subordinate agencies and, secondly, was intended to give us directives so that this agency could develop. -- this is the way I understood it; and now from the requirements of our work, the basis was to be established in order to -- after the necessary experiences had been collected -- organize the position of the Wehrmacht Chief of the Medical Service as was necessary for a military agency.

Q. Witness, then several months of difficulties were first of all left to those persons participating in it?

A. Yes. You also have to bring into account that the Wehrmacht Medical Chief, as well as the Medical Chiefs of the Wehrmacht branches, experienced in their duties, and that they had been active in the military medical field for decades -- in other words were qualified to work out the problem together.

Q. Well, did the Chief of the Wehrmacht Medical Service have an equal authority towards the other chiefs of the Wehrmacht branches?

A. Well, a difference has to be made in this respect. The Wehrmacht Medical Chief of 1942, in order to use a common title, was *primus inter pares* (first among equals), while the same position in 1944 had already been somewhat because at that time he had the right to issue instructions -- at that time he already had a certain amount of authority.

Q. If I understand you correctly, he was not yet superior but he was to develop into a superior?

A. He was not yet a superior in the sense in which we understand military superiors.

Q. Witness, you speak of a military superior relationship. Does it also refer to the specialist superior relationship?

A. Yes, that is what I have meant. That is what in the military is

we understand by the superior relationship.

Q. Witness, what was your predecessor Hippke's attitude towards this question. Did he recognize the Chief of the Wehrmacht Medical Service as his superior?

A. I have never discussed this subject with him because we only saw each other very rarely. However, I do not believe that he recognized him as his superior, that is, when I consider this from the military aspect.

Q. And what was your attitude at the time you took over the position?

A. As I have already stated earlier, expressly positive. I morally considered him as my superior, even if he was not in fact, and I did everything in order to form a basis for the future position, that is, in the form in which I informed him about things which seemed to be important to me and which I considered important enough to come to his knowledge; I also requested him to inspect hospitals of the Luftwaffe.

Q. Witness, Professor Handloser has been heard here and he has stated that no superior relationship existed; Hippke has stated something different. In your opinion, which one of the two is correct in his statement?

A. Handloser, that is quite clear, it is an indisputable fact. If I state that I considered him my superior, then I am only speaking of my personal attitude towards his position as Chief of the Wehrmacht Medical Service and my attitude did not give any new rights on the part of Handloser towards me, but that is only the way in which this thing developed.

DR. SERVATIUS: I do not have any further questions to this witness.

BY DR. TIPP (Counsel for the Defendant Becker-Freysong):

Q. Witness, where and for how long have you known Dr. Becker-Freysong?

A. In 1938 I made his acquaintance when Becker-Freysong entered the institute of Professor Stuckholt as collaborator.

Q. Did you see him frequently during the war and did you have discussions with him?

A. I beg your pardon?

Q. Did you see him frequently during the war and did you have any discussions with him?

ussions with him?

A. Yes, when I became Chief of the Medical Service, but not before.

Q. Now what position did Becker-Freysung occupy in January 1944?

A. When I became Chief of the Medical Service he was assistant expert in the Medical Department of the Air Ministry and the regular specialist was Professor Anthony.

Q. When did this change occur?

A. Approximately May 1944. At that time there was a limitation in personnel; Anthony was an internist and was transferred by me to an air fleet as a consulting physician.

Q. And what did Becker-Freysung become from that time?

A. He became the successor of Anthony, in the agency of that department.

Q. And you have heard, Professor, that from the position of specialist that from that position, Becker-Freysung is charged with a great responsibility. He is charged with that responsibility by the Prosecution. Now will you please describe to us the position of a referent, a departmental expert in your opinion?

A. Yesterday I have already briefly described the inner organization of my agency and if I should say it differently now..... From the Chief of the Medical Service it went down to the Chief of Staff, from there to the section heads and from the section heads to the group leaders and the referents. Towards the middle of 1944 I had 20 or 25 referents (departmental experts.) They were medical officers who, according to specialist training in their capacity, specialized in individual fields. There were several administrative officers; then there were also some troop officers. The referent (the departmental specialist) was the lowest agent in the official organization, with regard to the tasks which were entrusted to him.

Q. Now what tasks did the individual referent have?

A. As I have already stated, the referent is the person who works in a special field, operation personnel, aviation medicine, or something similar.

Q. And now what did this work include?

A. This work included, first of all, the preparation of the reports and the correspondence with regard to these special fields and the further handling of all these matters.

Q. This was a preparatory activity?

A. Yes.

Q. Now, when mail arrived, was this mail immediately handed to the referent?

A. No. As I have already stated yesterday, a part of the open mail was handled by the registration official and it was passed on directly to the section heads and the more important open letters and the entire mail which was classified as Secret, went to the Chief of Staff, who marked them either for the individual section heads or, if it was an especially important matter, he would pass it on to me. The major part of the mail, however, went directly or through the Chief of Staff to the section heads and they passed them on to their referents and the group leaders.

Q. You previously stated that the referents had to make the necessary preparations?

A. Yes.

Q. Well, were the referents at least independent in their preparatory work?

A. No, that cannot be said at all. The referent worked on the letter which he received, using files and other documents in order to perform his work; he then prepared all these things in such a way that he could report his section head about these matters -- so that he could hand him a complete report. The report was then reviewed by the section head, together with the referent. The section head was able to decide independently in things of their importance. In general, however, the section heads did not use this method very much but they on their part passed on these things to the Chief of Staff, who then signed these things; for the most part these things were handled by the Chief of Staff. Only when fundamental matters, or questions

by older medical officers were concerned, were those things then submitted for my signature.

Q. Therefore, I understand you correctly when I say that the referent did not have the authority to make any independent decisions?

A. No, he did not have the authority to sign any documents.

Q. Now if a decision had been made which had been worked out by the referent -- if this decision had been made by the Chief of Staff or the Section Head -- how was the responsibility for that divided?

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A. I would like to say that the referent had the responsibility just pertaining to the work itself. The referent was responsible towards the section head for the correctness of the papers which he has used in working out the matter or the correctness of the information which he has obtained in order to perform his work. This section head had to be able to depend on the fact that what the referent passed on to him was based on the facts. That was the responsibility of the referent. Therefore, the decisive superior was solely and alone responsible for the decisions regarding the outside.

A. The responsibility for the matter was born by the person who signed this letter. I can say this responsibility with regard to the work was fixed in such a way that in the draft of the letters the number of the referent could be seen who had dealt with the work, so that by later reference afterwards the person could be determined, and the referent who had worked out the communication.

Q. That now was the responsibility of the referent. Now, you said that Becker-Troyson was an assistant referent; now what actually is the position of the assistant referent with regard to his work and his responsibility?

A. The assistant referent was an emergency measure caused by the war, I would like to say. Normally, you would not have any assistant referent. However, during the War for a more extensive period of time, or for a short period of time, work had accumulated which even with the greatest effort could not be handled by the referent. In these cases assistant referents were used for a longer or shorter time more or less rarely. This assistant was attached to the department in order to assist the referent with certain tasks. Such assistant referent frequently did not have any planning position in the agency, but they were listed on the budget of some other agency and they were financed by means in another agency to some other office. This explains the fact that such assistant referents frequently were very familiar with the procedures in that particular agency. They were only temporarily used and detached into that particular agency to perform a certain special task, and therefore they were not carried on the table of

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organization of that agency. That is for the most part the position of the assistant referent.

Q. Now, Becker-Freyson was for four or five months assistant referent when you were Chief of the Medical Service, and Professor Anthony was at that time the official referent?

A. Yes.

Q. Now, can you tell us concretely what Becker-Freyson did during that time as assistant referent, was he the permanent deputy of Anthony?

A. No, if I remember correctly he was for the most part of the time when I was Medical Chief, and he was assistant referent he was not in our agency at all, but I had assigned him to work at some scientific task. I reassigned him to the Anatomical Institute, where he was originally stationed.

Q. May I interrupt, because I didn't want you to go so far into detail, but only wanted you to clarify the question. Was Becker-Freyson also acquainted with all the work which was carried out in the Department or did he have to work in certain special fields as assistant?

A. It is impossible that he was acquainted with all the work.

Q. Now, the question with regard to Becker-Freyson's position as referent; one of the co-defendants, Dr. Schaffner has stated in an affidavit that Dr. Becker-Freyson had been personally research consultant; can you please tell us something on that subject?

A. That is probably not a very good way of expressing it. It actually wasn't the case. After the departure of Anthony, Becker-Freyson was referent for aviation medicine. That means to say that he was working on the special field of an agency, but of course since we were to other very frequently discussed current matters, and of course we had to do that as a result of our inner contact, Becker-Freyson was consultant in the sense of the competent medical officer, this was the Director of the Aviation Institute, Professor Struhschmidt, who personally was also in Berlin and visited me for a long time every week or two weeks, and when I was visiting in his Institute, then it was Professor Reinhold Göttinger, I was unable to see

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very frequently, because he was located so far away, and then there were several internal physicians like Kauh, Bruchl, --- but I cannot recall in first name. They were the actual consulting medical officers.

Q. Well, Becker-Freyseng was not your consultant but the other medical officers?

A. In such cases when critical decisions were concerned Dr. Becker-Freyseng always pointed out to the consulting medical officers that I would have to be informed.

Q. When Professor Anthony left the Department and Becker-Freyseng became referent what became his successor as assistant referent?

A. I did not have any collaborator or successor as assistant referent. At the time on my own initiative I have tried to relieve my agency from all work which did not have to be achieved by all means in the Ministry, and I transferred this work to other branch offices, and so in the field of aviation medicine everything was taken out of the central agency which could not be decided on solely by us, and I turned all that over to the appropriate science and research which was available to me, so that there was no need of an assistant referent in that office.

Q. And now what field was taken out of the Department?

A. I cannot tell you that anymore; at that time it cannot be put in such a way that a certain field was withdrawn, but everything that does not mean a fundamental decision was transferred.

Q. Now, a specific question, Professor; what contact did Becker-Freyseng have with the virus research and research assignments of Professor Hagen at Strassbourg?

A. None whatsoever, and especially in the field of Hagen's work was in the field of virus research and hygiene, and this work was handled by these special subject departments, but they were not handled by Becker-Freyseng.

Q. The competent department for the work of Hagen was what department?

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A. That was the department for hygiene, which was also located in the medical department. That is the department to which Becker-Freysing belonged, and at that time Stabsarzt Atter was in charge of it.

Q. The Stabsarzt was the specialist for that field?

A. Yes.

Q. And the scientific questions in the fields of which ascertained the daily work, how is it Professor that in hygiene some letters to and from him to mark "To the Department of Hygiene" appears. You know that the prosecution has drawn the conclusion from that that Hagen received his orders from Becker-Freysing. Will you please give a short statement on that subject?

A. You mean file Mark 55, and also 213? In the Wehrmacht we had a so-called uniform file plan. This file plan went through all branches and parts of the Wehrmacht, no matter if it was infantry, artillery or medical service, and each special file had a certain number and this number was generally applied everywhere, for example file Mark 59.

File mark 49 was the medical service, therefore, if any letter was sent to an outside agency and at the left, under the heading, it was marked file mark 49, then everybody immediately knew, without even looking at the letter, that this concerned a medical question and it was assigned to the agency which had to deal with it. Of course, there were sub-divisions under the individual numbers.

Also there was a file mark 55. This referred to all research, research in the field of animal epidemics or mechanics or aviation medical experiments, it did not make any difference. File mark 55 was the code name for research and it had the big advantage that the keeping of files was facilitated very much, because you had only to keep these numbers in mind. All special files were kept together properly and this system had been introduced in my agency by my predecessor. Everything connected with research, that is the administration of this file mark 55 in the department, was located with the department for aviation medicine. This was the result of the fact that 90% of all research assignments, which had accumulated with us, were assignments with regard to aviation medicine. The administration of the aviation medicine departments had for many years been in the hands of high school teachers, Professor Bach, Professor Ludwig, Professor Anthony. They had been charged with administering this title for the main reason that they had the over-most assignment and secondly, because owing to the war, many regulations had to be observed in caring for these assignments as there were the priority numbers, personnel questions and many other regulations. There were quite a few formalities and of course they were administered by departments which were frequently connected with these things, as there were other departments who only worked on these matters once or twice a year. For this reason all research assignments were dealt with by the Department for Aviation Medicine. Now when assignments in the field of hygiene had accumulated, then the scientific aspect of these assignments and everything connected with it, was worked on by the Department of Hygiene. The administration matters were handled by the Department for aviation medicine.

Now, I am again referring to what I have already stated about the title and the note on the draft, if a letter or any reference had been needed from our agency because of an assignment, then we would have looked at the draft and on the draft we could have seen who had worked on the matter. Then we would never have said that is aviation medicine and a certain person is responsible for it, then we would have seen that it was worked on in the Department of Hygiene.

Q Then, it was done in such a way that in order to summarize the answer, you would know that the physician who marked No. 55 referred to all research assignments?

A Yes.

Q And all research assignments were dealt with by the department for Aviation Medicine and they were worked on in that agency. According to all formal aspects, that is the work, the specialized work, was left to the competent reference mark.

We will now come back to the question with reference to Professor Haagen; do you think the field of Professor Haagen was far removed from the Department for Aviation Medicine and that the specialized work in this case was not done by Dr. Becker-Freysing, but it was carried out by persons who were competent in that matter, Stabsarzt Atmer?

A Yes.

Q We will now come to the question of sea-water experiments. In the direct examination you have already answered these questions in detail and just for the purpose of clarification, I would like to repeat what I have deducted from the answers. I ask you now to confirm these questions. Did Dr. Becker-Freysing tell you that first on the basis of the attitude of the technical office on the one hand, as well as on the basis of the attitudes of Professors Eppinger and Helpner that through internationally recognized scientists work on the other hand, that the experiments were necessary; is that correct?

A Yes.

Q And in compliance with the requirement for carrying out the experi-

ments that these experiments were not dangerous?

A That is correct.

Q That the experiments were to be carried out in the form of proving experiments?

A Yes.

Q And if it should be impossible to carry out a proving experiment, only then concentration camp inmates were to be used?

A Yes.

Q The conditions for the experiments were to be the same in every case, regardless if they were with soldiers or if prisoners were concerned?

A Naturally.

Q Well that is what you inferred about the participation of Dr. Becker Freysing. You have previously talked about the responsibility of a referent and perhaps we can clarify this by means of an example; who was responsible for these experiments?

A Well, I was.

Q You, thank you. Then another question: did Becker-Freysing submit any reports to you? Reports from Ruff, Romberg and Rascher with regard to the field of high altitude, or reports by Holzlochner, Finke and Rascher with regard to the specialized field of freezing experiments?

A No.

Q Thank you, I do not have any further questions.

BY DR. ROSE: (Defense Counsel for the Defendant Rose.)

Q Professor, the Prosecution has presented an affidavit from you and it is located in Prosecution Document Book No. 5, with regard to sea-water experiments. It is Document No. 449 and is Prosecution Exhibit 130 and in it you have signed the following, among other things, and I quote: "Aviation Hygienist General Gebhardt Rose supervised the research work done by Professor Haagen." And I continue to quote: "Rose had to be informed about all research work, which was carried out by consulting hygienists like Haagen on behalf of the Luftwaffe."

Professor, regarding the defendants Rostock and Handloser. Now on the

basis of your knowledge of the positions and tasks of the consulting physicians of the German Wehrmacht - and they have in turn stated that such supervisory duties were even the authority for that and that the consulting physicians to the medical inspectorate did not have the authority to do that. Will you please explain to us just what brought about your statements to the contrary in the affidavit?

A The statements in the affidavit are not the words used by me, but it is a summary from various interrogations, which were presented to me in this form at the time we discussed these things. If I hear it again in this form today, then I must say this is wrong or not a very good explanation.

The right to supervise, I have never claimed in the interrogations, and the consulting physicians did not have such authority. The consulting physicians had a so-called information authority, if I want to explain it that way. They could be ordered by the chief to be informed as to the progress of the work in order to report to the chief about it. That was their task and this question was proved more or less actively by the individual according to his tendencies.

Q Therefore, today, you can likewise confirm the correctness of the testimony, which has been given by the Defendants Kestock and Handloser?

A Yes, that is the generally recognized clear task of the consulting physicians. And this also refers to the positions of Professor Kose toward Professor Haagen.

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Q. You stated earlier that this affidavit was not drafted by you, but that it was only presented to you for your signature?

A. Yes.

Q. In this original draft by the prosecution were there any other statements about Professor Rose, for example, the claim that Professor Rose had been the hygienist consultant of the SS?

A. Yes, it contained several mistakes which were false the way they were expressed, and in correcting these mistakes I failed to change this, or I would have changed it already at that time.

Q. In the same affidavit it is stated in another place, and I continue to quote: "Dr. Dohmen was his collaborator", namely, Haagen's. Now, I claim, Professor, that according to the knowledge which we have obtained here, Dohmen was not the collaborator of Haagen, but to the contrary, that he had a certain conflict with him, and do you agree with me now that this description in your affidavit is not correct?

A. I have heard that in the meantime. I made a mistake there. I assumed that they had already worked together at an earlier period of time.

Q. Then there is another conflict. Do you remember that in the fall of 1944 the SD, the Security Service, wanted to start a trial for treason against Professor Rose because Professor Rose had given lectures in neutral foreign countries, namely in Switzerland and in Turkey, in which he described in detail the progress which had been made in Germany in the field of combating typhus and combating malaria?

A. Yes, I remember that an inquiry from the SD was addressed to us at that time which contained these things.

Q. Do you further remember, Professor, that in this case above all, was information about the results of research by Professor Rose and other German scientists about the practical application of DDT powders against insects which were carrying diseases, above all with lice in the case of typhus and flies in the case of malaria?

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A. Yes, the question of these lectures abroad was already prevalent with us before Rose had held them by request of the scientific societies and had been clearly determined, and at that time a settlement was made that he should talk about these things.

Q. It is correct that prior to the speech of Professor Rose at Basel articles had appeared in literature of the belligerent countries about the use of DDT powders with regard to combating epidemics, and that such articles had never appeared?

A. Yes, at that time probably this powder had not yet been discovered.

Q. Can you confirm that research was involved in this case which was of the utmost importance for the troops in combating epidemics?

A. That is a research of the utmost importance.

Q. Do you know the reasons which Professor Rose gave at that time for his attitude; namely, that the results of medical research even in times of war should benefit all mankind?

A. Rose, through his course of life and through his training, was used much more than we in working together with foreign countries. He was assistant in Switzerland and he has spent many years in China. He has worked in America, and in this way he has seen the large framework of scientific collaboration much more than we did, and he has incorporated this into his manner of working. In this course he desired to hold these lectures. It was at one time by suggestion of his friends in Switzerland and also because of his own attitude, and he wanted to give this information to all circles regardless to what nation they belonged.

Q. Professor, but you yourself agreed?

A. Yes, naturally. Otherwise it would not have been possible because we had to apply for passports.

Q. And later you had an inquiry about the defendant Rose from the SD?

A. Yes.

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Q. And did you also request the Chief of the Wehrmacht Medical Service to comply with your attitude?

A. Yes, I had to do that because the inquiry by the SD had probably been routed through the Chief of the Wehrmacht Medical Service, and that is the reason I had to give him exact information.

Q. Then, a few more questions. Did Professor Rose, as consulting hygienist, have anything to do with problems and questions of aviation medicine?

A. No, nothing whatsoever.

Q. Did Professor Rose have anything to do with high-altitude experiments, with sub-freezing problems, the sea water experiments, or any problems connected with drifting on the seas?

A. No, Rose limited himself strictly to the purely hygienic questions of his field of work. He was exemplary in the respect that he did not intervene in any other fields.

Q. Did it ever come to your knowledge, Professor, that Professor Rose

participated in research on hepatitis epidemica?

A No, he was not used in that respect by us. I have never heard that he worked on that.

Q Did Professor Rose already in 1943 transfer his department at the Robert Koch Institute, that is, his department for tropical science -- was this before you became medical inspector -- did he transfer his personnel and his equipment there to the Luftwaffe and did he convert it into a unit of the Luftwaffe; namely, the department for typhus therapy of the Luftwaffe at Ammerode?

A You mean malaria?

Q Yes, I mean malaria.

A Yes, you can call it that probably, because this department for malaria therapy was, as far as I know of these happenings and that was before my time -- they were organized with personnel and equipment from the department of the Robert Koch Institute and already at that time it was very difficult to obtain personnel, and thus Rose at that time furnished his personnel and his equipment for this task.

Q Was this not an unusual procedure, namely, the conversion of such a purely civilian research agency into a military unit?

A Of course, in peacetime this would have been impossible, but since there was such a shortage of personnel every measure was taken which could be carried out at all. That had to be done in order to help oneself.

Q Then, another question. In the time when you were chief of the medical service of the Luftwaffe, did Professor Rose still stay at Berlin, or did he not rather have his permanent residence, aside from official trips at the department for science and research of the Military Academy of the Luftwaffe; that is, at Seelow, and later on at Bad Harzburg?

A Yes, Rose was constantly with that agency.

Q Do you consider it possible, Professor, that Professor Rose still had the possibility to carry out his civilian functions as vice-president in the Robert Koch Institute after he had completely removed his own department from the Robert Koch Institute and had transferred it to Thuringia

and after he himself did not have his military station at Berlin?

A No, I believe that this activity came to a complete standstill.

DR. FRITZ: Thank you, I do not have any further questions.

EXAMINATION

BY DR. SAUTER: (Counsel for defendant Ruff)

Q Witness, from 1943 on you were a medical inspector of the Luftwaffe.

A From the 1st of January, 1944 on.

Q As a result of this you also made the acquaintance of the defendant Dr. Ruff?

A Yes, I knew him.

Q Can you tell us what was the title of the institute whose head was the defendant Dr. Ruff?

A It was called the German experimental station for aviation research and that was the medical department of the German experimental station for aviation research.

Q You will hear in a minute why I want to know the exact title.

A Well, I cannot remember the exact title anymore. In any case it was the medical department there.

Q Well, can I inform you of the exact title? Aviation medical institute of the German experimental station for aviation.

A Well, if you tell me that now I assume that it is correct.

Q Yes, you can be quite certain it is correct. Then there was yet another institute which existed in the field of the Luftwaffe. It had quite a similar title. That was the institute of Professor Struckholdt whom you have already mentioned quite a few times today.

A That was the Aviation Medical Research Institute.

Q That is correct, Aviation Medical Research Institute of the Reich Ministry of Aviation, the RLM. Witness, I placed emphasis upon this clarification because of a document which I am going to hand to you. It is located in Prosecution's Document Book 5, on page 12, Document No. 177. It is a document with which you have already occupied yourself with during the previous days. This document, No. 177, is a record of the meeting about making sea-water drinkable. Witness, could you perhaps at this time, answer me another question: Did the Institute of Dr. Ruff have anything at all to do with this problem, that is, with the problem of making sea-water drinkable?

A No.

Q Nothing whatsoever?

A Nothing whatsoever.

Q Now, please take a look at that record. On page 12, you first of all find a list of persons who participated in the meetings; and, under No. 14, and we are not interested in the other numbers here, it is stated: "Unterarzt Dr. Schaefer's Medical Research Institute for Aviation." What kind of an institute was that; was it the institute headed by Dr. Ruff or was it the institute of Professor Struckholdt?

A That was the institute of Professor Struckholdt.

Q He was, that is, a referent of the institute of Dr. Ruff, and did not participate in the meetings. And, now, please let us go on a few more pages and take a look at the end of this document. On page 15 of Document Book No. 5, at the end of the distribution, it is stated in this document -

A (Interposing) Yes.

Q And, under that distribution it states, information copy, that is to say, certain agencies were to be informed, and here now is the third agency: You will find the institute for Aviation Medicine, the DVL, Berlin-Adlershof; according to its title, this would be the institute of Dr. Ruff. Is that correct?

A Yes.

Q I am now asking you, Witness, you remember perhaps that in dealing with these sea-water experiments, the Prosecution has referred to the strange notices with regard to the distribution; that is to say, there still had to be a certain connection with the Ruff Institute to these sea-water experiments. Dr. Ruff will confirm in the course of his examination that this document had never been presented to him at an earlier period of time. Now, Doctor, how do you explain the fact that the Institute of Dr. Ruff is listed here at the end of the distribution, although no referent from his institute participated in the meetings and his institute did not have anything whatsoever to do with these experiments?

A I cannot quite understand the claim by the Prosecution if I read through the list of the distribution here correctly. However, since I know the agency I must make the following statement: This report was not worked on by a medical agency, it was handled by a technical agency. It was recorded and worked on there, and it was presented there, and if I see now who received the information copy of it, then I could not help but gain the impression that this was done according to certain schemes because the technicians here, at least, or the technical agencies with which they were usually in contact because not only the Institute for Aviation Medicine does not play any part here at all but just is interested as the testing station directly in the medical experimentation, and its Experimentation Department at Justerbog which has also been listed here. These three agencies which I have just mentioned do not have anything whatsoever to do with the matter and it could have been only listed here by people who worked on this matter, and who were not acquainted with the connections at all.

Q Witness, if you will take another look at the distribution, which would perhaps give rise to the assumption that, in the distribution, the Institute for Aviation Medicine, that is, the Institute of Dr. Ruff, was

included for the reason that it was mistaken for the Institute of Professor Struckholdt, which has a similar name?

A Yes, this probability exists because the institute which was interested in this question has not been listed; that is, this possibility has to be considered, that a mistake was made here. The correct institute has not been listed in the distribution.

Q Although, under Article 14, a representative from that institute, that is, the Institute of Professor Struckholdt has been named as attending,

A (Interposing) Yes, and by all this institute was the one which had done part of the work, and that is why the referent Dr. Schaefer attended.

Q Witness, I still have another question. In the course of the trial, in an earlier period of time, you knew the defendant Dr. Ruff had carried out experiments with a low pressure chamber in 1942 -- the purpose of these experiments is, as you know, to rescue aircraft, to rescue aircraft personnel from high altitudes. In 1942, you were not the Medical Inspector?

A No.

Q And, therefore, you are not responsible for the experiments which were carried out at that time; therefore, I am the more interested to hear from you if such high altitude experiments with the low pressure chamber were absolutely necessary for our Luftwaffe in the year 1942 or were these experiments superfluous?

A These experiments were very important, and I am speaking of this from my experience as Fleet Medical Officer, where these questions were discussed rather frequently, and that no fighter planes were flying at altitudes with which the ones we have been used to. I can remember quite a few discussions about this question of our flight engineers, and with regard to how the technicians would solve their experiences, and I can remember I used these experiences rather frequently. The technique is one that placed new problems upon us. At that time, I knew just as little as our flight engineer when these experiments were carried out, but these experiments were necessary as we were interested in them and we considered them necessary.

Q. Witness, can you tell us anything about the personality of Dr. Ruff in his capacity as a scientist. Now, that Dr. Ruff was subordinated in some respects to your Medical Inspectorate, and I am particularly interested in the question: Is it correct that Dr. Ruff, at that time, was generally known as a scientist who was conscientious and particularly careful in carrying out his experiments, and who furthermore had the reputation that he carried out almost all experiments on himself. Can you tell us anything about that?

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A. Yes. At this time I would like very much to give a judgment of Ruff; and I can probably give it with the necessary objectivity because I have known Ruff since 1936, or it may have been since 1937. When I at the time was chief of the staff of the inspectorate, Ruff then drew my particular attention because he was not only a physician but he was also captain of a flight, and flying captain in Germany meant a high achievement in aviation. It was not a name which everybody could have who had ever passed his flight training, but it was a title which was given as a result of special achievements in aviation.

For us, this was a very favorable matter. Ruff was the only physician at our disposal who was flight captain. We had a large number of other medical officers who were aircraft pilots. But we had only Ruff with this great aviation experience. This fact shows more than words that somebody who is so experienced in aviation and who has achieved so much there is naturally the person to carry out these experiments on himself because he fulfills the technical prerequisites for it. This we also knew; and also on the part of my agency they always referred to the fact that medical experiments which required special aviation experience could only be carried out with Ruff and by Ruff. He did not hesitate to carry out these experiments at all times.

Furthermore, Ruff at that time was a relatively young physician. However, he had an outstanding aviation physiological medical basis; and during his very young years he had understood it in this big institute for aviation research where probably our best and most experienced experts of aviation technique were working together to obtain an absolutely authoritative position for their own sectors. For us, Ruff with his work was the counter balance to the Aviation Medical Research Institute, the institute which on the basis of its laboratory organization was able to carry out this kind of work and which usually established prerequisites for Ruff's work; and this could now be completed by Ruff and his practical work.

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Ruff was a man who basically carried out experiments on himself only; and only when he believed that he had obtained enough security did he then include his closer collaborators into his experimental circle. It is also characteristic of the work done by the institute that there were very few transfers of assistants. Once a person had become an assistant with Ruff, then he did not want to leave there anymore. It was a research community based on such loyalty and comradeship that men were inseparably connected with their research and their chief.

DR. SAUTER: May it please the Tribunal, I do not have any further questions to the witness.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

EXAMINATION BY DR. WILLE: (Counsel for Professor Veltz): May I be permitted to put a few questions to the witness, Professor Schroeder? You were discussing previously with Dr. Sauter the Aviation Medical Institute of Adlershof and you were answering a few questions. The leader of that Institute was Dr. Ruff. My question is, do you know the Aviation Medical Institute of Munich that was headed by Professor Veltz? Do you know it from your activity?

A. Yes.

Q. Do you know how it is comparable to the Institute in Adlershof or what differences there were?

A. Yes. There was a very great difference. The Institute at Adlershof was attached to technicalities and, therefore, in its research work had to adapt itself to the needs of technicians. The Institute of Professor Veltz when it originated, I think that was in 1935 or '36, was attached to the Physiological Institute of the University of Munich, and because of this difference there resulted a difference in the tasks. The Institute in Munich dealt mainly with basic research work, research work which came from work in physiology.

Q. As I assume, you probably knew the scientific work of the Munich Institute and I should like to put a question to you and I am sure you can answer on behalf of your activity at that time. How was this work evaluated scientifically? Was it recognized?

A. From the Institute of Munich a number of theses were worked in the very young field of Aviation Medicine at that time. I remember the work before the war about the change of the blood distribution in the body when accelerated and works of that nature were carried on at that time. This was basic

physiological work which originated with that Institute.

Q. So, one could well say that the activity of Professor Woltz was important and, from your point of view, would it be saying too much that Professor Woltz, in a certain sense, was the discoverer of the cold problem and I must tell you how I arrived at that assumption. Professor Woltz was attached to the Aviation Medical Institute as an observer and he was near the channel at the time and observed the catastrophes that resulted from flyers who drowned in the channel who were rescued and died from cold. It was found how important it was to find out methods to prevent death from cold. I should like to ask, is this result of Professor Woltz one of the first in the field?

A. Yes. That is correct. During the Western campaign the fields of tasks of the various Air Fleets, two and three, during that time I had certain connections about it as I spoke yesterday, and similar

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experiences were made within Air Fleet No. 3 - the Fleet which covered the French part of the coast. When we left that territory Air Fleet No. 3 to which Woltz belonged at that time took over the entire coast from Holland up to Spain. Consequently, I had sufficient opportunity to remain in contact with these questions and I remember some later discussions in my agency. I was told that the first discussions about the systematical treatment of cold damages were begun by the Institution of Professor Woltz, I think in 1942.

Q. Do you know what organization of the Wehrmacht sponsored and took over this discussion of Professor Woltz and used it for their own purposes. In order to make this question more clearly: Do you know that a certain notice was distributed, the subject of which was this statement of Woltz and therapeutical methods to be employed?

A. I cannot say that. I think even the regulations issued by the Army and such notice was distributed, but I cannot say any more definitely.

Q. I am sure you probably didn't know the exact connection. Now, can I say with right, that is, a certain part of the research work when he tried to clarify this problem was with animals? Do you know he only carried out experiments with animals?

A. Yes he did that. He performed these experiments on little animals, up to the dog, and comparisons can be made of changes with the dog with human physiology.

Q. Do you know that Professor Woltz at a later date received a research assignment in the field of cold? Also, that this research assignment was never actually carried out? Did you ever hear about that? Do you know anything about that?

A. I assume that since he was an animal expert he probably continued with these experiments.

Q. You probably cannot say that with certainty since it was before your time. Do you know Professor Woltz in his capacity as an x-ray specialist?

A. Yes.

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Q. You know that he is an x-ray specialist for many scientific works. Do you know he was the leader of the x-ray Congress in Munich in 1938?

A. Woltz was one of the leading x-ray specialists. The Congress of 1938 in Munich is very much in my memory since I was present there myself and I believe this was the very first opportunity where I started to get into closer contact with Woltz.

Q. I have a further question.

EXAMINATION BY DR. STEINBAUER (Counsel for the defendant Beiglbach:)

Q. Witness, you were speaking about the consulting physicians. My question is - is a consulting physician in a superior position as regards departmental physicians in a hospital?

A. Do you mean consulting physician?

Q. Yes.

A. Yes, he is.

Q. The Indictment maintains that Dr. Beiglbach was a consulting physician of the Air Force. Is that correct, or is it not?

A. No. He was considered as such but as I remember now that was never executed so the designation in the Indictment, namely consulting physician of the Air Force, is erroneous.

Q. According to your knowledge, did Dr. Beiglboeck ever attend meeting of the consulting physicians?

A. No, I cannot say that. I was only present in 1944 during that meeting and I know that he did not attend then. I would not assume that he took part in the other meetings since merely because of special consideration only consulting physicians were assigned.

Q. Was Dr. Beiglboeck ever invited to participate in any of the discussions about sea water experiments?

A. No.

Q. Did he receive any decision about the experiments whether they were to be carried through and how they were to be planned?

A. The arrangement and design of the experiment was communicated to him as it was established by Eppinger, Becker-Freyseng.

Q. Was it provided that the execution of the experiments was to be controlled in Dachau by Eppinger and others?

A. As far as I remember, even Eppinger himself initiated the idea in order to inform himself about the development of the experiments.

Q. Was the name Dr. Beiglboeck already mentioned in Himmler's letter; that is, before Beiglboeck knew about his being assigned for that purpose?

A. Yes, that is to be assumed. It is to be assumed that Beiglboeck, when the letter was sent off, did not know anything about the assignment, for his name had been mentioned by his chief, Eppinger, on the basis of his education and training with the Eppinger Clinic. He was the man who was particularly capable for that purpose and he was, therefore, suggested by Eppinger, and it is quite possible that when he was mentioned in the letter he had no knowledge about it.

Q. Is it correct that Grawitz assured you of the voluntary nature of the subjects?

A. Yes.

Q. Was Dr. Beiglboeck informed by you in the same sense?

A. Yes.

Q. Did the SS approach you when selecting the physicians who were to

participate in the experiments, and were you told to consider political points of view?

A. No.

Q. Was any supervision carried out by the Gestapo in that direction?

A. No.

Q. Was Dr. Beiglboeck informed to the effect that the experiments were to be carried out in the Air Force Hospital at Braunschweig?

A. Yes.

Q. Was Dr. Beiglboeck at that time in Braunschweig himself?

A. No. At that time he was not in the hospital of Braunschweig any longer.

Q. What position did he hold while he was working at Braunschweig?

A. At that time he was attached to the Internal Department.

Q. Was he in a leading position or was he in a subordinate position?

A. He was not in a leading position.

DR. STEINBAUER: Thank you.

CROSS EXAMINATION

BY DR. PELCKMANN:

Q. Pelckmann, counsel for the defendant Schaefer. Witness, you were saying that you saw Schaefer for the first time when he presented his means through which to make sea water potable.

A. Yes.

Q. How often did you see him altogether?

A. Perhaps two or three times.

DR. PELCKMANN: Thank you.

EXAMINATION

BY THE PRESIDENT:

Q. Witness, you testified this morning concerning recommendations which you might make for a promotion of certain of your staff. Through what channels and to whom would such a recommendation go if you made one?

A. Promotions of officers were dealt with according to the rank of the officer either by the Commander in Chief of the Air Force - that was the

case from any general's rank up - or they were dealt with by the Fuehrer of the German Reich. Proposals and suggestions for that purpose had to include the reason given by the competent chief; that is to say, I made these suggestions and they were then sent to the personnel office of the Air Force, where all the suggestions came in from various fields and from there, in turn, they were prepared for presentation to the Commander in Chief or the chief of the government.

Q. Your recommendation then for promotion of one of your subordinates would after being processed by the Personnel Division go directly to the Commander in Chief of the Luftwaffe, is that correct?

A. Yes.

Q. You testified yesterday that you heard that human experiments had been performed on human beings in concentration camps. When and where did you hear that, and from whom?

A. I heard that when preparing the sea water experiments when difficulties occurred in the institutes belonging to the Luftwaffe to start these experiments as it was originally intended.

Q. When was that, witness?

A. May, 1944.

Q. And where was that, did you say?

A. That was in my agency.

Q. And who told you?

A. Becker-Freyseng.

Q. And what did he tell you about these experiments?

A. He told me that my predecessor - I cannot repeat the word - approached the SS in the case of experiments which had become necessary and subsequently was informed by Holzlochner that experiments were being performed at the camp at Dachau.

Q. Were you then informed upon what persons these experiments were being performed?

A. No. I assume that Becker-Freyseng did not know any of these details.

EXAMINATION

BY JUDGE SEBRING:

Q. Witness, you made the answer a little while ago in answer to the question, "Do you know that Dr. Weltz carried out his experiments only with animals?", you answered, "Yes." Is that correct?

A. Yes.

Q. How do you know that?

A. Approximately at the time when I entered my office, and that was January 1944, I visited Professor Weltz in Munich who at that time was ill. I did that because I had to make a visit in Munich for other reasons anyway. The reason for my visit was only an ordinary visit to an ill colleague. During that opportunity Weltz was speaking about the work which his institute had performed during the last years, that is, during the time when I was absent from the Central Office. At that time he outlined his working program in a few words up to that period of time and emphasized that he was still continuing with the old line, namely, to continue basic research work and to further it wherever it was possible by experiments on animals. During that talk, which in itself was very short because Mr. Weltz had just come through a severe attack of scarlet fever, he told me these facts in a few words or sentences, and that is how I know something about it.

Q. What gave rise to the discussions; was there some controversy existing in German medical circles at that time concerning the question of whether or not there might be something ethically wrong with experimenting upon human beings?

A. This discussion didn't take place from that point of view; it was merely an information about the work performed in his institute.

Q. I understand, but you made some statement to the effect that Dr. Woltz said that he was sticking to the old method of experimentation and intended to further that line of experimentation, that is to say, with animals wherever he had an opportunity to do so. Now, I ask you this: Was there some question in German medical circles at the time about the propriety of experimentation with human subjects; or, was there some controversy at the time in medical circles about these matters?

A. With regard to the admissibility or necessity, or such questions regarding human experiments, no mention was made as to that on that occasion. I had just come back from the front and was not at all acquainted with those lines of thought. I only started thinking on that line here in Nurnberg. I can even say, with certainty, that a discussion with reference to experimentation on human beings didn't take place at all. I may bring the word "method" which you just mentioned into the right connection, that is, how it was used at that time; that is to say, his old method of basical research work. At that time he explained to me that the manner of work as it was carried on in his institute will still continue to be in line with basical research, and he wanted me, as his new chief, to give my confirmation with regard to the method and line that his institute was taking so he could maintain such work.

Q. At about the period when it was contemplated that your experiments would be conducted upon concentration camp inmates, did you know then what type or class of concentration camp inmates were being held at Dachau?

A. No.

Q. Do you know what type of such inmates were being held there at any time during the period of the war?

A. I knew only about one; these were people who had been expelled from the Wehrmacht. In our regulations we received the necessary orders to that effect; that is to say, people who were repeatedly subject to punishment and who did not maintain the disciplinary orders of the troops and even endangered it. I remember this fact exactly because at one time in my capacity as Fleet Physician, I read through all the orders to that effect. Since I held a rank at that time — since I had an officer working with me at that time whom I had to warn because of his bad behavior that he may be sent to the police and then be sent to a concentration camp.

Q. Can you state by what process or writ such a man in the Luftwaffe would be placed in the concentration camp; would it be upon an order, by the commanding officer; or upon your order, upon a decree entered as a result of the court-martial; or a directive; just how did the man get in there?

A. It was a prerequisite that this man had to have received repeated punishments; furthermore it was a prerequisite that the competent superior had to be convinced that this man by further punishment could not be corrected. Then, and this is something I personally experienced at one time, the competent disciplinary superior had to give this man a warning in writing in which he told him that he had received a certain number of previous punishments; that

His behavior and demeanor with the company was so bad that he was not worthy of continuing to be a soldier, and that at the next opportunity he became subject to punishment he would be sent to the police in order to be transferred to a concentration camp. This had to be handed to that man and he had to sign it, the acknowledgment of this regulation. If such a case re-occurred, his disciplinary superior had to demand the transfer of this man to a camp giving a detailed reason. This letter had to be sent to the police, as it said in the regulations. The approval of such a transfer was then given by a superior who had the disciplinary authority of a commanding general. He had to confirm the fact and only then could he approve the transfer. That is how it was.

Q. Doctor, how many human subjects did you calculate or estimate would be necessary to fulfill and successfully carry out your experiments?

A. What were you talking about --- the sea water experiments?

Q. I am talking about the experiments which you said you had something to do with; the sea water experiment; and what experiments do you now say that were carried on at Dachau as a result of your institution.

A. The sea water experiments.

Q. How many human subjects did you calculate or estimate would be necessary to successfully carry on and conclude these experiments?

A. According to the suggestion as it was made to me at that time there were forty.

Q. You estimated that would take forty subjects, forty human subjects.

A. Yes.

Q. Now then, at the time how many men from the Luftwaffe were incarcerated in the Dachau prison camp?

A. That I don't know.

Q. Do you know whether there were any?

A. Yes.

Q. How do you know that?

A. I heard that on the basis of such transfers as they were demanded.

Q. You heard it from whom?

A. During my activities as Fleet Physician, this came to my knowledge whenever any such case was a subject of discussion. Fortunately such a thing didn't occur frequently, but now and again there were some such events and such transfers had to be carried out, carried through. During conversations with our Chief Judge, who was the chief of justice within the Fleet, such questions were now and again discussed. I once asked Judge Schreiber how future development of this measure was handled and he told me that as far as he pursued these cases he always found out that they had gone to Dachau, and this is how I realized how this was done.

Q. But you say that the case where you were obliged to take someone from the Luftwaffe and send them to Dachau occurred only very rarely; is that true?

A. Yes.

Q. How many such transfers were actually carried through to your knowledge?

A. That I don't know. I cannot tell you that under oath, but there may have been a few dozen. I can only tell you that from the sphere of my activity as Air Fleet Physician because at that time I discussed these things with the chief judge. At that time during a period of three years, I think two dozen people were mentioned, but I in the year of 1944 was only concerned with questions from the air force, but the same regulation was applicable to the army and the navy; that is to say, those

Wermacht regulations were handled in the same manner every
where, so that the Army probably had to transfer many more
people than the people that came from our sphere.

Q. But aside from the fact that there were at Dachau those
who had been taken from the Luftwaffe, the Army and the
Navy, you had no idea that any other types of prisoners
were at Dachau?

A. No, I can say that very honestly here under oath, namely, that I didn't know that any other non-German people were there. I heard that people from civil justice was sent there who made themselves subject to punishment.

Q. But at that time you had no idea of the number of inmates at Dachau either as German political or criminal prisoners or as men who had been sent there for delinquencies in the Wehrmacht or non-German nationals?

A. No, I heard nothing at all about non-German people. I considered them all to be German prisoners.

Q. Did you have any idea at the time of the size of the Dachau Concentration Camp or of the facilities there for housing the prisoners?

A. No, I saw Dachau for the first time when I was sent there myself as a prisoner.

Q. Can you tell the Tribunal after these salt-water experiments were approved who actually requisitioned the persons who were to become the human subjects of the experiment?

A. No. The request went to the Chief of the German Police through my letter to the Reichs Minister of Interior. How this was done in the inter-office communications of the Reichs Minister of the Interior, I don't know, because this was another Reichs agency who, in their own competency, had to settle this question.

Q. Do you know when the Dachau camp was first established as a camp or prison for, oh, either German political or criminal prisoners or non-German prisoners of any kind?

A. I cannot say when it was first instituted for the very first time. I gained knowledge of it as a camp in the year of 1937 or 1938 when the case of Pastor Niemöller came up. At that time I heard from circles who were acquainted with Pastor Niemöller that he, after the proceedings against him, was sent to the camp at Dachau. At that opportunity I for the first time consciously heard the name of Dachau.

Q. Well, did you have any impression at that time about what kind of camp it was? What its purpose was?

A. No.

Q. I believe that you made some statement to the effect that the arrangement and design of the experiment in which the defendant Beiglboeck was to take part was communicated to him; is that correct?

A. Yes.

Q. By whom was it communicated?

A. Beiglboeck at that time was ordered to Berlin to come to my agency. Then he went at first to Becker-Freysong who greeted him shortly and perhaps already told him some details. Then he came to me together with Becker-Freysong and reported. I greeted him and I told him that we had considered him as the leading person in charge of this experiment since his chief during his civil activities, Prof. Eppinger, had suggested him because of his pre-education, experience and personality and that he was deemed especially capable to conduct and lead this series of experiments.

Q. In your letter, witness, to the Minister of the Interior concerning these experiments, what did you say to him?

A. After an introductory sentence which was to convey certain connections with some assistance demanded further on where I said something

like this: "You, Reichs Minister, at former occasions gave opportunity to the Luftwaffe to carry out experiments which were urgent and again I am before a decision which demands of me to request you to make it possible for me to carry on an experiment at a camp." End quote. Something like that. And then a discussion followed what was intended by us, where the purpose of the experiment laid and, furthermore, that we ourselves in a small frame had performed these experiments on our own personnel and that we were now looking for some results by trying a large number of experimental subject and we wanted to decide which one of the two methods would be the most expedient for the needs.

Q You said that in your letter to the Minister of the Interior you made some reference to former occasions upon which experiments had been conducted. What did you mean by that witness? What were the former occasions?

A This was the result of the cold experiments of which we had been informed; cold experiments that were conducted by Holzlochner.

Q Do you know, witness, or when did you find out that there were concentration camps in Germany in which non-German nationals were kept or restrained?

A I only learned that during my imprisonment after the collapse. I can repeat here once more; up until the time of the collapse I knew of two concentration camps. One was at Oranienburg. Every man resident in Berlin knew that. That was nothing. The second one as I already mentioned, was Dachau. Whatever went beyond that -- whatever existed in Germany beyond that, I only learned after the collapse. I believe that this can be made a little more credible by the following -- it seems almost like a fairy tale if someone says something like that today. Up until September 1943 I wasn't in Germany at all and when afterwards I was sent to Berlin as a Medical Chief I had no opportunity at all to receive any insight into these affairs.

Q I would assume that the German military system, as most others do, have two places of confinement for soldiers who have offended against the law. One is called generally a disciplinary barracks for less serious offenses and another is the penitentiary or prison for more serious offenders. If a soldier committed an offense and was convicted of the offense which called for a sentence of death, where would he be sent for confinement until the sentence of death could be executed?

A There were so-called Wehrmacht prisons in which there were only prisoners of all of the three Wehrmacht branches. I remember one such name as the Wehrmacht prison at Gernersheim. I think there was another prison by I don't know its name. I can't remember its name. As we learned from the regulation sheets such prisoners were selected for labor and sent to the concentration camps in order to work there in armament work for the war effort and they mention one thing, Mr. President; in the Wehrmacht there were two forms of punishment. One was the so-called disciplinary punishment which was not in the hands of the judges but in the hands of the military superior, who was authorized to do that. For instance, there was the disciplinary authority of the company commander or the regimental commander, division or corps commander. These authorities include reprimands and also punishment which deprived people of their liberty up to four weeks arrest. This was not called imprisonment but was called arrest. These authorities of disciplinary punishment was to

prevent every little detail being dealt with by courts. Punishment by court only started in the case of a certain severe act and which could only be judged by judges. That is something that you have to differentiate in the Wehrmacht Penal Regulations -- the disciplinary and the juridical punishment.

Q I understand that very well. That was what I mentioned in my question, but would a German member of the Armed Forces who had committed murder or some crime for which he was sentenced to death -- would he be sent to a prison or simply to a concentration camp? Would he be put to work in a concentration camp when he was under sentence of death for murder?

A Mr. President, you are asking me too much. I don't know these smaller details. I couldn't tell with certainty how these matters were conducted.

Q Witness, you have detailed at some length the manner and official channels through which you passed in order to get your sea-water experiments approved and areas subjects in concentration camps made available for the experiments. Now, then, in proceeding in the manner that you did, did you consider that you followed official military procedure as you then understood it?

A Excuse me. I didn't quite understand the translation. I understood the first part. Would you repeat the second part?

Q In proceeding in this manner to have your experiments approved, did you consider that you went through official channels and followed official military procedure, as you understood official channels and military procedure at the time? Did you understand my question?

A I don't know whether I quite understood what you were saying. Will you please repeat the question?

Q Are the translation channels open?

THE INTERPRETER: Yes.

Q You have told the Tribunal what you did and the official channels--military channels-- through which you passed in getting

your sea-water experiments approved, and men, prisoners in the concentration camp, made available to you for the experiments. Is that true?

A Yes.

Q Now then, in following the procedure that you followed, was that in accordance with military procedure for getting such matters approved?

A A military procedure did not exist for that purpose. I had to see how I could safeguard the execution of the experiments in the most expedient manner and under the consideration of all prerequisites which are necessary for the health and other questions.

Q The reason I asked the question is this: let us assume that the proof shows that other experiments in the field of special research were carried out for the purpose of determining important medical problems that existed during the war. Would the general procedure that you followed in getting your sea-water experiments approved and material made available for experiments -- would that be the ordinary procedure that would be followed by some of these other gentlemen who had fields of special research in the Wehrmacht or in the Armed Forces or in the Navy? Do you have any idea?

Court I

A. I assume so. I can't imagine any other possibility.

Q. In other words, it would be impossible within the framework of German Schreckhaft as well as it would be impossible in the framework of any other organization, to determine that a concentration camp inmates would be made available in certain numbers, to determine where the laboratories for such purpose would be established, to determine where these concentration camp inmates would come from, to determine how they would be taken from the camp to the seat of the laboratory and to determine how they would be treated and to determine what funds should be made available for that research -- that would be impossible without the matter being taken up through the channels in virtually the manner in which you proceeded in taking up your experiment, wouldn't it?

A. Well, yes, as far as I understand you.

Q. Yes. Could you suggest and state why that a project that needed all of these things could be approved and all of the material and the laboratory and the human subjects be brought together without some sort of official procedure -- through official channels by which these things would be reviewed, the money appropriated and the material allocated?

There would be no other way to do, would it, defendant?

A. No, I believe that it can be explained very simply.

Q. Well, will you explain?

A. The situation itself helps along the solution of such a problem.

Q. But there must be a great many agencies which naturally would gain knowledge of an approved experiment; wouldn't there be an order to have that experiment put into execution? For example, if there was a particular type of special research, that special research first would be suggested by someone who thought that research necessary, would it not?

A. Yes.

Q. Then the problem of where to conduct that special research would be considered by some one and approved by someone, wouldn't it?

Court I

A. Yes.

Q. Then would there not arise the question of financing, or making the funds available for the research and in that particular some other governmental agency would have to know about the matter so that they could make the funds available; isn't that correct?

A. Yes.

Q. Then it would have to be determined that certain individuals from concentration camps would be made available?

A. Yes.

Q. That fact would have to become known to someone within the framework of the German Government who had something to do with concentration camp inmates, wouldn't it?

A. Yes. It wouldn't be possible otherwise.

Q. Then someone who had held the authority or the responsibility or the discretion to select certain individuals would have to make that selection, wouldn't they?

A. Yes, that would come within the sphere of the Minister of the Interior.

Q. Yes. Then let us assume that these concentration camp inmates were at Buchenwald and the laboratory was at Dachau, someone would have to

be responsible for transporting these concentration camp inmates from Buchenwald to Dachau, wouldn't they?

A Yes, that would be an inter-office affair of the Minister of the Interior.

Q And someone would have to supply the motor trucks or the railroad cars and furnish the fuel for implementing the railroad cars or motor trucks to get the people over there. Isn't that the procedure through which it would follow?

A Yes.

Q In other words, a problem or task of this kind could not possibly occur without the whole matter passing through channels and virtually everyone who came in contact with that experiment officially from top to bottom would have a knowledge of it. Isn't that true? Either the person himself have knowledge of it or his agency or department? Wouldn't that necessarily follow because all of these matters would be detailed in official reports or requests, would it not?

A Well, but that would have been an inter-office arrangement within the sphere of the central agency which was responsible for the camp, that is, the Chief of the German Police, for instance.

Q I understand that but there would have to be, in the German Army as well as in any other Army, records kept and details approved and all of that sort of thing, in detailed order. Is that not true?

A Yes. If I may explain it, giving myself as an example. At that time I sent the letter say, at first, I sent it only away after I had consulted the possibility of the experiment with Grawitz. And after I had informed him how the whole thing was brought by us so that he could pass on this information to Himmler in case it became necessary. Then this letter was sent off and after possibly four weeks when Reiglboeck had arrived at Dachau --in the meantime he was given an opportunity to carry out this work. Whatever lay in between that, how in the administrative this was organized, we never learned that as I just said, it was an inter-office affair of this authority. We only saw the initial point and

the end point of this route.

MR. PRESIDENT: As the Tribunal desires to propound some more questions to the witness, the witness in this case will be put under the rule and not permitted to consult with other defendants or with his counsel during the noon recess. That rule will be followed only when it is directly requested by the Tribunal and it is requested in this case. The Tribunal will be recessed until a quarter before two o'clock.

(A recess was taken)

AFTERNOON SESSION

(The Tribunal reconvened at 1345 hours, 26 February 1947.)

OSKAR SCHROEDER - Resumed

THE PRESIDENT: The Tribunal has no further questions to propound to the witness. Does defense counsel have any further question of the witness?

DIRECT EXAMINATION (Continued)

BY DR. MARX:

Q Witness, in the course of the examination by the Honorable Judges you made a statement as to the unfitness of persons to serve in the Armed Forces. Do you have enough knowledge of the subject in order to give your opinion on that subject?

A I did not understand your question correctly.

Q I am asking you if you had enough knowledge of the subject in order to be able to answer such a question about the unfitness of persons to serve in the military forces.

A The unfitness of such persons to serve in the Armed Forces?

Q Yes, under what prerequisite was a member of the Armed Forces declared as unfit to serve?

A That was a decision which had to be made by a court or a judge.

Q Therefore, a verdict had to be given by a military court or court-martial?

A Yes. However, this was based on evidence which had been presented by the superior officers.

Q Yes, but a member of the Armed Forces could not be declared as unfit to serve unless a verdict had been given by a court-martial.

A Yes, that is correct. And in order to do this the disciplinary superior officer had his judge who advised him on these matters, yes.

Q And a further prerequisite was that he had been sentenced to a term in jail or some other dishonorable punishment?

A Yes.

Q Like, for example, death punishment for desertion or because of

rape, robbery or similar crimes?

A Yes.

DR. MARX: I do not have any further questions.

THE PRESIDENT: With no further examination by defense counsel the prosecution may proceed.

DR. MARX: May it please the Tribunal, I request the permission of the Tribunal to now call as my first witness, the witness Jentsch because this witness has to leave this afternoon on a trip to England. The prosecution has no objection for my calling the witness at this time.

THE PRESIDENT: The marshal will summon the witness Jentsch and the witness Schroeder is temporarily excused from the stand and will resume his place in the dock.

(The witness was excused temporarily.)

THE PRESIDENT: I would advise counsel that during the noon recess I made some inquiry concerning the witness Grodl and was informed that every effort is being made to procure the attendance of that witness at the earliest possible date.

WERNER JENTSCH, a witness, took the stand and testified as follows:

BY JUDGE SEBRING:

Q Please raise your right hand and be sworn, repeating after me:
I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. MARX:

Q Witness, will you please give us your first and your family name.
A My name is Werner Jentsch.

Q When and where were you born?

A I was born on the 3rd of April 1913 at Chemnitz.

Q And where is your present residence?

A I am living presently at Cassel.

Q And what is your profession?

A I am a Protestant priest and Licensiat.

Q What activity are you engaged in at present?

A At present I have the office of Director of the YMCA college at Cassel, that is, in German, the Youth Secretary School at Cassel. I am now traveling to England as German Director for War Prisoners' Aid.

Q What kind of an organization is that?

A That is the aid for prisoners of war of the Christian Youth Movement which is sponsored for all German prisoners of war by the International League at Geneva.

Q Witness, will you please tell us in your own words, and give the Tribunal a short sketch of, your life history and also tell the Tribunal about your political attitude.

A I studied theology at Leipzig and Berlin and I passed the state examination at the University of Leipzig. First of all I was a priest for the youth in central and southern Germany and I was Director of the YMCA college at Berlin. At the outbreak of the war I became an army chaplain, I became a chaplain for the Luftwaffe units at Berlin. Actually, the Luftwaffe did not have its own ministers and I was an army chaplain. However, I was used as minister for the Luftwaffe for the civic commander. When Hitler was able to develop his power in the OKW I lost my office in 1943.

I was conscripted as a simple soldier and I was medical soldier with the parachute troops. After the collapse I was used by the Americans and the English in Italy as senior chaplain for entire Italy and as liaison man for the British and the Americans for the German prisoners of war in the Mediterranean area. In this capacity I was responsible for the re-education and denazification of the German prisoners of war in Italy. As a result of this, I was given the opportunity to perform some work which I was unable to attain during the period of the Third Reich. To the contrary, during the regime of the Third Reich I was confronted with many difficulties.

When Pastor Niemöller was arrested in 1937, I, as a confessional minister of the Lutheran Church, participated in this work and I was also arrested. As a result of my activity on behalf of the YMCA I was expelled from Danzig and from 1934 my activities were watched by the Gestapo and I was given a special court trial by the Gestapo.

Then, in 1943, I lost my office because Himmler wanted to prevent my influence on the Luftwaffe. In the course of my activity, which I had to carry out in the Third Reich, I was only assisted by very few Germans. At the time I became acquainted with General Schroeder, a man who did not hesitate to help me.

Q. Witness, when and on what occasion did you make the acquaintance of Dr. Schroeder?

A. That was at the very beginning of the outbreak of the war. He was the father of one of my students and one day he called me and asked me to hold the Christmas ceremony at the Reich Sports Field in Berlin, of the Luftwaffe. He maintained the point of view that a Christmas celebration for soldiers could only be held in the presence of a minister and with a clear concession to the teachings of Jesus Christ.

This gave me the possibility for the first time to be heard and to speak before the men and women of the Third Reich in a larger circle, which were taking particular care of that hospital at that time. Therefor

they were especially kind because the Luftwaffe usually refused any special aid in that respect. It was on that occasion that I made the acquaintance of Professor Schroeder.

Q. Did not this attitude of Professor Schroeder on that occasion have a certain risk connected with it for him?

A. It was connected with a risk for him because official spiritual welfare for soldiers of the Luftwaffe had not been planned for in Berlin. Thus, as an officer he gave an example and he maintained an attitude which was contrary to the official attitude of higher officers in the Luftwaffe.

Q. What were your further contacts with Professor Schroeder?

A. On the basis of this Christmas celebration at the hospital I requested Professor Schroeder to let me carry out the spiritual welfare in all Luftwaffe hospitals in the vicinity of Berlin. Through a special decree I received the permission to hold a service every week and also to have a discussion with the wounded medical officers, non-commissioned officers, and soldiers.

His son Hans was one of my confirmation students and he was one of the best students there. After having been confirmed, he became the director of a small group of boys and girls who, in spite of the prohibition against the Protestant youth, assembled once weekly. Professor Schroeder permitted us to hold the meetings of this group in his house.

Then, in the official position which I occupied, he helped me in many forms. For example, he helped me in obtaining negotiations and discussions which I had to engage in with leading men of the Luftwaffe in order to guarantee that I could take care of the spiritual welfare of the Luftwaffe personnel in Berlin. Then, he also personally frequently intervened in the work which I had to do with the prison in Berlin. When a member of the medical sector had been accused, and when I believed that he was being unjustly sentenced, then I was entitled to report to him directly about the matter.

Q. Witness, you spoke of the time until Professor Schroeder was transferred as Air Fleet physician, that is, when he was at Berlin. Now I come to the time when

was Fleet Medical Officer with Air Fleet 2. Were you again in touch with him from that time on?

A. Even during this period I had contact with him. He also helped me in my work, which was not very long, from Italy. At the time I was the liaison man of the Confessional Church to the agencies which were kindly disposed towards us at that time in the Wehrmacht. My spiritual advisor was the Minister von Bodelschwingh, who has died in the meantime.

During the time when Professor Schroeder was in Italy, I tried to start a main office for spiritual welfare of the Luftwaffe. However, all my attempts failed in the beginning. Since General Bodenschatz, who had become the contact person with Goering, had intervened on his part, and he was kindly disposed towards me, I took a new opportunity in order to again start discussing the question of spiritual welfare in the Luftwaffe.

The predecessor of Professor Schroeder, Professor Hippke, and General von Hase, who was later on hung by order of Hitler, and the civilian adjutant of Goering, Ministerial Director Boettke, and I, tried to formulate a memorandum in which it was shown that the wounded and the dying in the hospitals of the Luftwaffe were in need of spiritual welfare by the Catholic, as well as by the Protestant Church. At the time a secret circular was directed to all chief medical officers of the Luftwaffe, and all air district medical officers, in order to discover the religious attitude of the soldiers of the Luftwaffe. The result, which never became known in Germany, was that 65 percent of all hospital inmates requested spiritual welfare. Among the statements of the persons who answered the individual questions, the questionnaire of Professor Schroeder was the most outstanding and the most important. In very sharp and clear words he gave reasons, from the Italian theater of operations, that spiritual welfare for members of the Luftwaffe hospitals was necessary. At the time the situation had deteriorated to such an extent that dead German soldiers in the hospitals, who were Protestants, had to be buried by an Italian Catholic priest because no German minister was available, and the soldiers in the Luftwaffe who had been ministers in their civilian professions were not allowed to engage in that civilian activity.

This happened during the time when Prof. Schroeder was in Italy, at the filling in and the handling of the questionnaires had been entrusted to me by Prof. Hippke. We were able to address a memorandum to the command in chief of the Luftwaffe, and the good examples which Prof. Schroeder gave about the prevailing situation assisted me at the time in formulating the memorandum in such a way that the only person who was at all kindly disposed towards the question of Christianity -- and that was not a man, but a woman that was Mrs. Goering, at the time accepted this memorandum in order to present it to her husband. However this resulted in a complete failure, because Goering did not have very much authority any more in 1942 and therefore nothing changed. However, we did achieve success in one point, because several German medical officers of the Luftwaffe had had the courage to state to the National Socialist regime that Christian spiritual welfare in the Wehrmacht was necessary. It became tolerated after a while that at the time when officially spiritual welfare on members of the Luftwaffe were prohibited -- such spiritual welfare could be given with the individual approval of several officers and that several soldiers now were able to give spiritual welfare as ministers. Of course, they were not military chaplains but they were plain soldiers who had been ministers in civilian life.

That is sufficient for the time being, and while for the time being Prof. Schroeder was in Italy.

Q From April, 1943, you had been conscripted as a soldier in the medical service of the Luftwaffe. Was your contact to Prof. Schroeder interrupted as a result of this, or did you still have contact with him subsequently?

A When I lost my office in 1943 I had to be very careful, because I was being watched by various sides. For example, I was prohibited from entering the office of the Reichsmarschall, and I could only under an assumed name, namely Johann II, have any contact at all with the officers of the Luftwaffe who were kindly disposed towards me, because, thank God, there were German officers who had more regard for Christianity than for the orders by the Gestapo. At that time I again got into contact with Prof.

Schroeder through a remarkable fact. I came to Saldorf near Berlin as a simple medical soldier. There I did the usual service and duty performed the rest of the soldiers there. I was just a simple soldier. One day I received a letter from the Reich Military Court. It was signed by the high prosecutor, by the Reichs Kriegs Attorney, General Staff Judge Krell. In this letter he requested me to immediately draft a memorandum in a certain matter, and in this case conscientious objectors were concerned who refused to serve for religious reasons. This came about in the following manner: During my activity as military chaplain of Berlin I also cared for the military prisons which were located in Berlin. In these prisons there were contained a large number of so-called Jehovah's Witnesses. They also appeared under the name "Jehovah's Witnesses." Amongst them there were also members of the Mennonites, of the Quakers, and there was one representative of the Protestant Church. At that time, together with my Catholic colleagues, I was the only person entitled to visit these prisons. And because of the large number of prisoners confined there, we were unable to see all of them. However, those for whom I felt a particular sympathy were the Jehovah's Witnesses, because they did not have any rights at all. They were not given justice. While the Catholic priests, on the basis of their agreement with Rome, did not have to serve in the armed forces but could either go into the medical service of the Wehrmacht or they were not conscripted at all. But they, on their part, were not willing to perform any military service. The Protestant objectors for religious reasons, and above all, the group of Jehovah's Witnesses, did not have any advantages whatsoever. On the contrary, they were sentenced to death by Hitler without any consideration whatsoever, although the legal situation was the same as that of my Catholic friends. At the time both my Catholic colleagues and I tried everything in order to help these people. In the Reich court there were also men who at that time occupied themselves particularly with this case, and if I am not mistaken, in the year 1942, on the occasion of a reception at the President of the Reich Military Court, Admiral Bastian and the Senior Reich Military

Court Prosecutor, General Staff Judge Krell, I received the permission to draft a memorandum which was to be of help to the delinquents and which was to help them change their point of view, if possible. The Reich Military Court was determined, thanks to the attitude of Bastian and Krell, who were kindly disposed towards Christianity, to postpone the execution of the sentences until such time when we ministers had been given an opportunity to give spiritual welfare for these men for a sufficient amount of time. If we had succeeded in changing the attitude of one of the delinquents, that by virtue of the law which was in existence at that time, he was dismissed from confinement and sent to the front. As a result of the fact that we were given the opportunity to work on these people, we were able to save a large number of people from their death punishment, and we were able above all to care for the families which had gotten into terrible difficulties as a result of these series of murders. I had just begun with the manuscript that was with its duplicate form and also with the popular version for the delinquents themselves, and also as a religious psychological form for the representatives of the Reich Military Court, when my house, my library, my books were burned as a result of a British air attack. Ten days later I also lost my office. I became a plain private in the army, who could not take it upon himself any more to contact as high an agency as the Reich Military Court. As I have stated, after the period of one year, that is, at the beginning of 1943, the General Staff Judge Krell addressed me with the request to once more make an application in matters pertaining to the conscientious objectors. He simply directed this letter to my address and it did not call for any particular attention, because he was the father of one of my former religious students whom I had confirmed. He also requested me in the letter to keep the matter secret. Then I got into a very great difficulty, because I was a private first class in the Luftwaffe. First of all, I should have seen my company commander, and then I should have reported the whole matter.

At the time, after a severe struggle with myself, I reached the decision to give all my confidence to a man who was willing to risk something for the sake of Christianity. The man whom I trusted was Oskar Schroeder. At the time, I went to his agency by avoiding regular channels. I succeeded and I told him and his adjutant, Augustiniak about the whole matter.

At the time, Professor Schroeder told me he wanted to help me. On very same day I received an official room at Saslow. It was an officer's room. I was given a furlough for three months in order to draft his manuscript. Then I had the opportunity to work out the important manuscript in peace and quiet. It was a manuscript on whose success the lives of thousands of people depended. Neither Professor Schroeder nor I were conscientious objectors for religious reasons. He was an officer. And I had been a military chaplain for three years. However, we were human beings who respected the viewpoint of the conscientious objectors for religious reasons.

We wanted to help them within the framework of this manuscript. We, on our part, believed we were able to suggest that these conscientious objectors should be used as enlisted men in the medical service with parachute troops or that they should work with the Organization Todt in defense work. I particularly intervened in these two points for the reason that a large number of the people were prepared to do two things: They refused to handle any weapons, but they were willing to go to the front. Secondly, they did not want to give any religious oaths, but they, on the other part, were willing to enter into an obligation. Hitler would have refused both ways. He actually did. We were unable to help them any more in this way. There was only one further way. That was the postponement of the execution of the sentences.

After the three months passed, I submitted the memorandum to the Reich Military Court. I then came as an enlisted man in the medical service to the parachute unit in Italy. In the summer of 1944, I requested a furlough in order to have this memorandum to the Reich Military Court printed. My superior with the parachute unit at that time was again a medical officer.

of the Luftwaffe. It was a friend of General Schroeder. His name was Oberstabsarzt Fischer. He gave me permission although he knew what the matter concerned.

Then in the days of 20 July or afterwards, I came to Germany. Gentlemen, you know what was going on in Germany at that time. I then had an attack of malaria and I was unable to move. Three of my friends were hung by Hitler. I administered welfare to all three families. I was the person who educated these boys. One was General von Hase, the City Commander of Berlin. The second was General Fr. Fehnel of the OKW. The third was General Thiele who was working at the same agency.

During this period of time, I also tried to get into contact with Professor Schroeder. At that time I was his subordinate. At that time, I was not a minister any more. At the time, he made it possible for me to again get into touch with Thorgau and also with Thiele, so that the memorandum could be printed. In the meantime, within the OKW the political situation had progressed to such a point that we were unable to have this memorandum printed without first obtaining official approval.

At the time, a copy was sent, for reference, to the Reich Military. Nobody was allowed to discuss the subject. The popular memorandum, on the other hand, was placed at the disposal of the delinquents. There were approximately 50 typewritten pages. In the course of a telephone conversation, I remember exactly, Professor Schroeder charged me with the care of the family of the City Commander Hase. General Hase was hung after the happenings of 20 July. He knew that we had the same convictions as he did. I was the only person who, at that time, was in the technical position to help him.

My furlough came to an end. I did not have the time any more to do any action. Only now, after my return from Italy have I been able to again get in touch with the family. When I travelled to Italy again, Professor Schroeder gave me a special recommendation, that was with the Ambassador of the Holy See, Baron von Weizsaecker. There also, the case of the conscientious objectors was involved. Baron von Weizsaecker was able, as a result of the information which I imparted to him, to intervene in this matter

the Vatican.

I want to emphasize, particularly, that Baron von Weizaecker and I are both protestants. However, this was a matter which pertained to human in general. Confessions were not involved any more, but these matters concerned everybody who was a Christian. As a result of this intervention, it was possible for me to indirectly inform the Vatican. And at the time, Professor Schroeder, gave me the opportunity to do this. This was in the period while I was in Italy.

Q What general picture can you give of the personality and the character of Professor Schroeder?

A May it please the Tribunal, the usual place from which I speak is the pulpit, not the witness stand. The message which I have to give in the pulpit is devoted to love and truth. Here the legal questions are involved. However, it is necessary in the case of emergency, for the minister to leave his pulpit and enter the witness box. Because otherwise, whatever he says in the pulpit is neither love nor truth.

Professor Schroeder was a member of my community, my congregation. He helped me although he knew I was a confessional minister. We did this during a period of time when the entire confessional church was persecuted. I, myself, was confined to prison. I know, now, how he feels. I would not be able to look him in the eye if at this time I would not be ready to testify that to which my conscience obligates me. I know that this will cause me to become unpopular. The same truth is involved here as is involved in the pulpit. I am not a soldier and I am not a physician. I am a minister and I hope to be a Christian. Only as such, can I say anything about Professor Schroeder. However, I am of the conviction that what has been stated about him in the indictment cannot be true. I cannot imagine that he would have anything to do with that. It would also be contrary to any inner moral logic. How can a man who on the one side helped the Jehovah Witness's, persons who are politically persecuted and in whose extermination the Third Reich had an interest, be interested in exterminating people in

concentration camps? How can he be pleased to watch this problem superficially.

He who takes care of other things with such risk involved, he would also have taken care, much care in this point. I think it will be sufficient for me to point out one factor. I have heard of Professor Schroeder's arrival in Italy by radio. During that period, I still, for a period of three months, was a prisoner, although I was a trustee of Americans and the British. I was unable to take any action from there. I have now returned to Germany and I have reported.

It may be of interest to the Tribunal that already four weeks after the end of the War I was present at one of the first orientation of the secret service, and that I had already mentioned the name of Professor Schroeder at that time in a positive sense, because the London Minister of War requested me at that time to give all the information which I had about the persecution of the Third Reich. At that time I stated everything I knew, and repeat I am a minister. I am unable to right the wrong. That is not my primary duty. It is not my primary duty to put the wrongs into the right. That is your duty. However, it is my duty to call good whatever is good. That is what I intended to do here. In any case the Christian congregation will not forget what Professor Schroeder has done on its behalf, because it is not the custom of Christians to forget.

DR. H. RX: I thank you. I have reached the end of my examination.

THE PRESIDENT: Is there any cross-examination of this witness on the part of any defense counsel? There being none the prosecution may cross-examine.

CROSS-EXAMINATION

BY MR. McLANEY:

Q. Doctor, can you tell us approximately the number of times you have personally contacted Professor Schroeder?

A. At least 20 times, certainly.

Q. You say you lost your job as a Luftwaffe Captain because of Hitler?

A. Yes.

Q. Did you know that concentration camps were under Hitler and the

A. The concentration camps, yes.

Q. Did you ever visit one?

A. No.

Q. Do you know what sort of prisoners were retained in the concentration camps?

A. What kind of prisoners were kept or confined in concentration camps I have only heard that to the fullest extent after the collapse, but

otherwise I know that because of political persecution and racial persecution and religious persecution, persons were kept in concentration camps and I also know that some of my boys of the YMCA were also confined there.

Q. And you yourself were persecuted by the Gestapo?

A. Yes, I was probably watched after 1933, and ever since that time and I was arrested in 1937. In the same year I was expelled from the country and then I was subjected to a trial by special court, which I have already previously mentioned.

Q. And did you feel that the concentration camps were a threat to during this period?

A. Yes, certainly. After all I myself was in prison and at that time the question arose that I myself could have been sent into a concentration camp, and that was in August 1937. And all the way through the trial it was handled very competently by a German defense counsel and this was prevented. During the interrogation he sent me a note in which he previously told me to testify, and he gave me some word of the possibility to escape this threat.

Q. You mentioned the fact that the Jehovah Witnesses were persecuted by the SS; do you know whether the Jehovah witnesses were sent to concentration camps?

A. Yes, I know that.

Q. Do I understand you to say that it was a practice to condemn Jehovah Witnesses to death?

A. You must make a difference between two things, first, those Jehovah Witnesses who from the civilian localities had been sent into a concentration camp, and were subordinated to the administration of the camp. Second, the others who had been quite normally conscripted by the German Wehrmacht were from the date of their conscription subordinated to the Wehrmacht and on the first day of active service they testified at some office of the German Wehrmacht that they refused to perform military service, and then they were

transferred to the Military Court by the commander of that office, so we have the state of affairs that the Jehovah Witnesses were in the concentration camps, although these people were not murdered, and although they would certainly have refused to serve in the armed forces. However, on the other hand the prisoners, conscientious objectors and the persons after having received their death sentences were executed.

Q And those conscientious objectors who were conscripted into the Wehrmacht and refused to serve were tried by a Military Tribunal, sentenced to death and were committed to a prison to await execution, is that right?

A Yes, that is correct.

Q I take it that you have some familiarity with the punitive measures carried out in the Luftwaffe on soldiers who had committed crimes of one sort or another, is that right?

A In some cases I was informed about it, because I took care of the Military prisoners in Berlin.

Q Have you ever heard of a Wehrmacht soldier or a Luftwaffe soldier having been sent to a concentration camp as punishment for some crime he committed while a member of the Luftwaffe?

A Well, that was as follows. As far as I can remember a soldier in the Luftwaffe who had committed a crime and if the crime was very severe he was tried by the Reich Military Court, and then he was sentenced to a labor camp and that was Grossschmiede and Thurgau, which I have already mentioned earlier. That is as far as I can remember, and as far as possible, I am not already informed about this, after the regular trial had been completed and according to the regular procedure, several of them were sent to a concentration camp. However, this did not include Jehovah Witnesses.

Q These labor camps you have mentioned were they under the jurisdiction of Himmler?

A Yes. I believe these labor camps were subordinated to the Wehrmacht, because I had a colleague who was working there and certainly there

no ministers in the concentration camps, but certainly they are there as prisoners.

Q Let me put a case to you; you have heard of the Concentration camp Dachau, I assume?

A Yes.

Q You know that that camp was under the jurisdiction of the SS and Reich Fuehrer Himmler?

A Yes. I was recently there for about eight days as a prisoner.

Q Have you ever heard of any member of the Wehrmacht who had committed a crime while a member of the Wehrmacht having been sent to Dachau?

A Will you ask the question so the answer could be directly or indirectly.

Q Just tell me what you know about that situation anyway you want to, put it directly or indirectly.

A As far as I know in any case members of the Wehrmacht were only sentenced to concentration camps after they had been expelled from the Wehrmacht. That may be appreciated, the same case which was applied to the jail at Brandenburg. The jail at Brandenburg was the place where former members of the Wehrmacht were executed. My friend Tiedtcher and I in successful cases and as far as we were successful in doing so we were present at such executions when we issued special rites during the last hours of the condemned until this practice was eliminated. Former members of the Wehrmacht were there who had been condemned to death, and three days before the sentence was executed they were expelled from the Wehrmacht, those that had obtained the status of civilians. I am advised the same applied to concentration camps. However, I am only informed about that, but the situation at Brandenburg, I have seen.

Q. As far as you know, Wehrmacht soldiers condemned to death were executed in this prison which you have mentioned, is that right?

A. At Brandenburg, yes.

MR. McHEEY: I have no further questions.

THE PRESIDENT: Counsel, the court will be in recess before pursuing the examination.

(A recess was taken.)

THE CLERK: Persons in the courtroom will please find their seats.

The Tribunal is again in session.

DR. VORBERG (Counsel for the Defendant DR. ROHMING):

Q. Your testimony, witness, about concentration camp inmates -- does this refer to any particular concentration camp, or to concentration camps in general?

A. What I said refers to camps in general.

Q. Before the collapse were you ever a prisoner or in any other capacity in a concentration camp?

A. I was never in a concentration camp, either as prisoner or in any other capacity.

Q. Your testimony about concentration camp inmates, therefore, is not based on your own observations, is that true?

A. That is true.

Q. Who were the people from whom you learned what conditions were in concentration camps, in particular who the inmates were, on which your testimony has been based so far?

A. These were my friends from the confessional church.

Q. Didn't they tell you that in concentration camps there were large numbers of criminals, partly persons condemned to death and partly persons with long prison sentences, that is, persons condemned by regular German courts?

A. Yes, that is true.

Q. Then your statements about concentration camp inmates should be completed in this respect?

A. Yes, if you wish.

Q. Thank you. I have no further questions.

THE PRESIDENT: Any further questions of this witness on the part of any defense counsel?

The Prosecution may cross-examine.

MR. McHANEY: No further questions, Your Honor.

BY JUDGE SEBRING:

Q. Pastor, will you tell the Tribunal again...

A. I am sorry, I cannot hear.

Q. Will you again repeat to the Tribunal when it was that you first learned of the existence of concentration camps in Germany?

A. That was when Niemöller was arrested; as far as I can remember that must have been 1937.

Q. To what extent was the knowledge of the existence of concentration camps.....

A. I cannot hear.

Q. To what extent was the knowledge of the existence of concentration camps, their location, and the various types or classes of prisoners kept there, known generally in Germany during the war, can you say?

A. First of all I heard only of the two big camps, Dachau and Oranienburg. Then I knew of a camp for women at Hohenlychen. That was because of my the bishop of Mecklenburg who had been dismissed by German Christians, Dr. Rimhoff, came to me and asked me whether I would not help him to liberate his wife from the concentration camp at Hohenlychen by approaching a high officer of the Luftwaffe. That is how I learned about Hohenlychen. That is for women.

Q. Can you say whether or not your knowledge of the fact of the existence of concentration camps in Germany was generally known by the German population or at least by Germans in official positions within the framework of the government?

A. My connections were strictly secret, not even all the bishops who knew, knew about it. I only had the assignment from the confessional church. The better known my position might have been, the less I could have done. It only lasted until 1943. Then I lost the opportunity.

Q I'm not at all sure that you understood the question. The question is this: Are you in a position to say whether or not it was generally known or understood throughout Germany that there were such things in Germany as concentration camps?

A I must say one thing. The two big camps, Oranienburg and Dachau, were generally known in Germany. But I emphasize expressly that those were two camouflage names -- two cover names. As far as I know, at least, and far as I know from confidential reports from my friends in the Confessional Church, they were divided into two parts, into a public part which was shown as a model camp, and an unofficial half which was not shown. My friends know only the public part. What happened in the unofficial part, probably in the other camps whose names I have learned now, such as Buchenwald or the camps near Vienna, one never learned about that. The propaganda tactics were good. I mean that ironically.

Q Do you know, of your own knowledge, what official agency in the framework of the German government was in charge of the administration of the part of the camp that was not a model camp -- in your expression?

A That must have been within the Reichsfuehrer SS or the Ministry of the Interior. The man in charge of the camps must have known about it. I am not informed about the details.

Q You were making some comment about the difficulty of carrying on a religious program in the Wehrmacht. Can you tell us whether or not, or to what extent if any, chaplains were officially assigned to the various regiments or other military or naval units of the German Wehrmacht during the war? In other words, was there, within the framework of the German Wehrmacht, an official chaplain's organization and assignment, such as existed, for example, in America?

A There was such an organization. It was centrally under an office in the High Command of the Army. It was headed by a Field Bishop for the Evangelical Church and a Field Bishop for the Catholic Church. In the Army, and similarly, in the Navy, there was, for each Army group, a Wehrmacht Deacon; for each Army, a Wehrmacht Chief Pastor; and for each division

a Divisional Pastor; that is, two in each case, an Evangelical one and a Catholic one. There were no other chaplains. Each division -- at wartime strength--had only two chaplains. The Luftwaffe did not have chaplains of its own. That was, first of all, because the Luftwaffe had no tradition. It was something quite new. I know from conversation that Goering, at the beginning, tried to set up a chaplain system for the Luftwaffe, but in 1936, he was not able to put his views through against the opposition of Bertram and Hitler. And then, when, in 1940, through General Bodenschatz's Chief Adjutant, I tried to achieve something, he took a negative attitude. He said he could not do anything. Hitler had definitely prohibited a new branch for chaplains within the Wehrmacht. The High Command of the army, as well as the officers of the Luftwaffe who were favorably inclined to religion by private agreement, as it were, took care of the Luftwaffe units which were in the neighborhood through the divisional chaplains. The result was that they got practically no care, because the army chaplain could not even deal with his own army division. There were simply too many people. Those were the difficulties.

JUDGE SEERING: I have no further questions.

DR. SEIDL (Counsel for the defendants Goebbels, Oberhauser and Fischer): In view of the last questions of the Tribunal, I ask permission to put a few questions to the witness.

THE PRESIDENT: Counsel may proceed.

REDIRECT EXAMINATION

BY DR. SEIDL:

Q Witness, you spoke of the Concentration Camp Hohenlychen?

A Yes.

Q You said that it was the only concentration camp for women in Germany?

A To my knowledge.

Q It is a fact that there was only one concentration camp for women in Germany; that was the concentration camp Ravensbrueck. It is true, however, that Ravensbrueck is near Hohenlychen -- 12 kilometers away.

A Then that is probably the one.

DR. SEIDL: That is all.

DR. STEINBAUER (Counsel for the defendant Beiglboeck): May I also, after the questions of the Tribunal, put a question to the witness?

THE PRESIDENT: Counsel may proceed.

DR. STEINBAUER:

Q Witness, you were asked about the duty secrecy. Do you know that if someone succeeded in getting out of a concentration camp he had to sign a pledge not to say anything whatever about the concentration camp?

A I was told that.

Q Do you know the literature about concentration camps which has appeared in large quantities in Germany and in Austria, or have you read some of it? Have you read some book?

A I was three months behind barbed wire. I did not read much.

DR. STEINBAUER: I have no more questions.

THE PRESIDENT: If there are no further questions to be propounded to the witness, the witness may be excused.

(The witness was excused.)

THE PRESIDENT: The defendant Schroeder will resume the witness stand. The witness is reminded that he is still under oath. Counsel for the prosecution may cross examine.

CROSS EXAMINATION

DR. McHANEY:

Q General, did you know that political prisoners were incarcerated in concentration camps?

A Yes.

Q As of what date did you know that?

A I knew that from peace times. The case of Pastor Niemöller was an example of that.

Q You knew that concentration camps were under the jurisdiction of Himmler, as Reichsfuehrer SS, did you not?

A Yes.

Q And you don't want the Court to understand that the Ministry of the Interior had jurisdiction over concentration camps, do you?

A Himmler was Reichsminister of the Interior and Chief of the German Police. As such, he was the Chief of Concentration Camps. That was a function which he had as Chief of the German police, in the German Ministry of the Interior.

Q But, General, all of the defendants and their counsel have been very meticulous in drawing the line about the various duties of the man who occupies two positions and, since that's been done to such a large extent, I want to ask you a little bit about this dual position of Himmler as Reich Minister of the Interior and as Reichsfuehrer SS and Chief of the German police. Do you know when Himmler became Reichsminister of the Interior?

A I believe that was in 1943.

Q That's just about right.

A He replaced Reichsminister Frick.

Q Well, you don't think Frick had jurisdiction over concentration camps, do you.

A No. There was a change, but I experienced that only from the outside. There was a reorganization. If I remember correctly, Himmler -- that is probably the case before the war, where first of all, Chief of the German Police -- that was his title. The police was an organ of the Reich Ministry of the Interior. When Frick left as Minister of the Interior Himmler took over this position in addition. His title was Reichsminister of the Interior, and Chief of the German Police, and then a subtitle, Reichsfuehrer SS. That is how I remember it.

Q The SS was a party organization, was it not?

A I believe only in part, but please ask other experts. I am not an expert on that.

Q Now, General, I'd like to ask you a few questions about the position of some of your co-defendants, and, in that connection, you signed an affidavit, which is Document NO-449, introduced as Prosecution Exhibit 130. In paragraph 8 of this affidavit, you state the following: "Karl Brandt, H. J. Kowar and Rostock were informed of the medical research work conducted by Luftwaffe."

Handloser was chief of the medical service of the armed forces, and my superior in medical matters. Do you repudiate the statement that Handloser was your superior in medical matters?

A I must explain this statement, that sums up in a number of statements -- a number of discussions, which do not take into consideration the fine points as was the case in the detailed discussion here in the course of the trial. I have seen the difference between superiors in a military sense, and persons about to give instructions, and so I must understand this explanation in the statement.

Q Did Handloser, or did Handloser not prior to August 1944 have the right to issue Directives to you concerning medical matters?

A He could give Directives, yes, but they were not in the form of orders. I have already said once that I personally did not make such a great emphasis on these fine points, because I approved the position of superior in the chief of the Wehrmacht Medical Service to the extent by which, for example, the instructions as given before August 1944 I considered orders, and I acted accordingly. For example, if it was a date for general vaccination which was to be set.

Q Very well, General. Then there is nothing mysterious about the position of Handloser, is there. Could your own chief of staff issue orders, or did you simply just issue directives, or instructions, as you put it, or does now any staff officer simply issue such directives and such instructions?

A That depends on his position. My chief of staff, of course, could issue orders, but at the top of letter it said, the chief of the medical service, and with the signature which showed "I.A. - per Kalk"; that was an order issued by the office by some one who had the justification.

Q An order issued by you through Kalk, was not it?

A What do you mean by that?

Q Just exactly what I said. When he signed "By order of Kalk" it means by your order?

A Of my order, of course. He acted for me.

Q And if any other staff officer issues directives or instructions, they are very well followed by the people who received them, aren't they,

General?

A Not any one. Only those who have the right, to stick to the example of my office, it was the chief of staff and the section chief who had this right, not other people.

Q And Hantloser had the right to issue instructions of a restrictive nature, too, didn't he?

A Yes, one might say that.

Q Let's move on to Rostock. You stated in paragraph eight that Rostock was chief of the office for Science and for Research under Karl Brandt, who first was a Commissioner - General of Health Service, and later Reichs Commissioner. It was Rostock's duty to avoid duplication as to distribution of assignments in the sphere of medical research, therefore, all distribution of assignments had to pass through Rostock's office; for instance, If I assigned Kalk or Hagen some research work, a copy would go to Rostock to inform him of the nature of the job; then Rostock can tell whether that particular job had already been worked on by some one else, or, whether it could lead to worthwhile results. Do you repudiate that statement, or is that true?

A At the time that is how I understood the duties. I may make the following explanation --

A General, General, just a minute, I am not interested in what impression you formed about Rostock's position by the testimony that is here given. I am asking you if the statement in this affidavit which I have read to you is a correct statement in your understanding of Rostock's job in the years of 1944 and 1945. Now is it or isn't it?

A Yes, that was my understanding of the position.

Q Well, let's turn to Becker-Freysen. You described both the position of Becker-Freysen and that of Rosen as being one of very little power and authority, as I get it, and you also described them as men of unrelie character. I, therefore, assume that you are ready to take the responsibility for their activities from January 1, 1944 until the end of the war. Do you or do you not take such responsibility?

A Very well.

Q Now will you describe quite briefly -- strike that out. Was Becker-Freyseng your principal consultant on all scientific questions?

A No. He was aviation medicine consulting physician, as I said this morning.

Q That is very peculiar. I have your interrogation here before me dated September 19, 1946, and you read the whole thirty-seven pages of it, and signed it at the end. In it you were asked the question, what was the work of Dr. Becker-Freyseng, and you answered, with me as chief of Sanitary Service, Becker-Freyseng was principally consultant on all scientific questions. In my office he was my consultant in scientific questions on aviation medicine. Is that a correct description, or not?

A He was a consultant in my office, yes, that was his job. He was consultant for aviation medicine, that is right, but in addition I had consultant specialists for the current daily ail, that was, of course, and Becker-Freyseng. If any special questions came up then I had Dr. Strokholt as Director of the Institute, or Bahn, or whoever was the suitable man for the special case. But to give a general oversight, there was Becker-Freyseng, he knew best as to what was going on in general in the field of aviation medicine. That does not mean he was a specialist in a specialized field, there were individual consultants for that part.

Q That is quite clear. General, I think it is a different picture you gave from this morning. That certainly does not make Becker-Freyseng to be a great scientific specialists of all possible and conceivable matters, but he was from 1944 the Reichsreferent of aviation medicine, was not he chief of that department?

A He was Referent for aviation medicine, yes, but that does not make any difference in what you just said, there is no difference. I can see no difference.

Q All right, and as the chief of the department for aviation medicine, he was generally informed on all research work carried out by the Luftwaffe,

was he not?

A On aviation medicine research -- on aviation medicine, yes, that was received by my office and was turned over to him. As I said this morning, and say now, of course, he knew what kind of assignments were being carried on, but he was still not a specialist in these individual assignments, that was what the consultant physicians were for.

Q All right, let's restrict it to aviation medicine for just a moment General. When you got a report back on an aviation medical problem, it went to Anthony, and Becker-Freyseng, didn't it, and they reviewed it, didn't they?

A Yes.

Q And he had the same position prior to 1 January 1944, except that he was deputy to Anthony, who was the department chief for aviation medicine, that is right, isn't it?

A Anthony until April or May was a consultant and Becker-Freyseng was the assistant. The work of chief of section, I said this morning, of the Reichsreferent consultant, we mean something else by that.

Q General, I want to put another question. I'll ask, in this interrogation of 19 September 1946 you were asked the question, could Becker-Freyseng's position in relation to you, or to Hippke's, be compared with Rostock's position on a smaller scale, and, you replied, yes, he was responsible for the collecting and utilization of all results of the research work in aviation medicine, and then he made proposals, which included whether or not we should grant loans for such. He was my scientific adviser. Do you reaffirm that statement?

A Yes, that was in the sphere of referent consultant. I said at the time that the same as Rostock was adviser to Branit, and on a small scale Becker-Freyseng for aviation medicine was my consultant.

Q. Now, let us turn to Rose. Rose was your principal advisor on questions of hygiene; was he not?

A. Yes.

Q. And any hygienic medical problems, which were worked on by the Luftwaffe, came to the knowledge of Professor Rose; didn't they, General?

A. That is not necessarily true, let me explain it. Becken-Freysong was consultant for hygiene, that was Stabsarzt Hartner, whom I have already mentioned today. All of the mail in the field of hygiene went through this consultant. That does not mean that Rose knew of all this mail as Rose received only the problems which arrived as all of the minor matters were taken care of by the consultant. Rose was the advisor on specialized questions. This particular consultant was a district physician in civilian life and he did not have the bacteriological scientific experience. He was a practicing physician. All of the scientific problems went to this department, to my consultant who in this case was Rose. It is possible that Rose did not learn of all the daily work, because the department took care of it if it did not require any scientific knowledge.

Q. I am not interested in the daily operations of this office that Huppke ran. I put it to you that Rose knew anything important that came up in the Hygienic section, didn't he?

A. Yes.

Q. And the same thing was done under Huppke, wasn't it?

A. I assume so, I assume that his duties were the same.

Q. It was Rose's duty to be kept informed of the experiments carried out in his field, was it not General?

A. Rose no doubt took care of the research assignments, according to the instruction and he received them from Huppke or no.

Q. That is not what I asked you; I said it was his duty to keep himself informed about the experiments in his field?

A. If I cannot express that exactly so. The consulting physician had no authority, no disciplinary authority and no position of a superior.

If there was any authority it was in a round about way, as Hipsko or I might say to him, "Mr. Rose, we have given this assignment to Mr. so and so, this has gone on for a long time and we do not see any results. Please see what is the matter." It was always done in that way, that he had the duty on behalf of his chief.

Q. General, I don't understand why you have so much difficulty since you have answered the questions once before. That was on the 2nd of October, 1945 and in another interrogation you were asked, "Was it not Rose's duty to be kept informed on experiments?" They were referring to hygienic matters and you answered: "Of course that a consulting physician such as Rose had to know of them and of course it was his duty to inform me." You were further asked: "Was it not Rose's duty to know in what manner these experiments were carried out and was it not part of his duty?" You answered, "Yes, he had the supervision of this work." You were further asked the question: "He not only had to hand out the assignments, but he had to supervise the carrying of them into effect?" And you said, "Yes." Do you reaffirm those statements now, General Schroeder?

A. After the questions which took place between that time and today, one must be a little more careful in the formulation. According to the sense, I meant the same thing I said here today. In this formulation, it just sounds a little different.

Q. General, we are interested merely in the sense of it and we are trying all of us to get a clear picture of how things operated in practice. And I want to put it to you that this affidavit you signed was a pretty nice document from Rose's point of view compared with this interrogation you were referring to, because you were asked another question. "Question: You never heard of Dr. Krugowsky? Answer: Indeed and he was the hygienist of the SS, Krugowsky's position with the SS was identical to Rose's position with me."

A. That is right, but that does not mean that I knew Krugowsky, I merely know him and his prominent position.

Q. When did you learn about the research institute in Dachau?

A. That was discussed for the first time in the matter of the sea-water experiments when the question was brought up of holding the experiments at Dachau.

Q. While I have this interrogation before me, I want to ask you whether in this conversation you had with Grawitz the latter part of May or first part of June, 1944, concerning the sea-water experiments, you made clear to him you wanted the Luftwaffe to have complete control over these experiments; did you or did you not?

A. I'm a little shaky, but I believe that in the interrogation I did not bring that out quite so clearly. Because after two years had passed I was confronted with the power of an attorney and I did not remember very well after all the things with which I had been occupied. I don't think about it in the last few months because I was brought up again.

Q. You have overcome your failing memory; is that right?

A. Yes, gradually I have become acquainted with these questions again.

Q. I appreciate that, General; you also have become acquainted with the number of Documents the prosecution has; haven't you? Now, General

A. I did not understand that.

Q. I say you have also become familiar in the meantime with some of the Prosecution's documents, haven't you?

A. Yes.

Q. Now General, on the 19th of September, 1946, you were interrogated at some length about sea-water experiments. Then, again on the 2nd of October, 1946, we interrogated you again, we gave you a rest of about two and one half weeks and I suppose that you searched your memory pretty carefully in the interim about these sea-water experiments, so I was very surprised to hear you say under direct examination that you had told Grawitz that these experiments were to be controlled by your doctors in the Luftwaffe, because when you were interrogated on October 2nd you did not have such a good memory about what went on in Dachau. You were asked on October 2nd the following: "Tell me something about the practical experiments with regard to making sea-water drinkable, which were carried on in the concentration camp Dachau?"

You answered in part: "I cannot say anything about it. To me it looks as if the SS at that time, as it also can be seen from here, was in charge of the execution and thereby it was completely out of my hands or my direction. The situation in Dachau was such that there was no possibility for us to have any kind of influence on the work there or to interfere with it or to direct further on." Do you remember saying that, General?

... Yes and I know the contacts, I know the story. As I have already said, I had been confronted with these questions after a rather long period of other events and the full sea-water experiment was not a matter which had taken particular great attention at the time. It was only one of many tasks so that especially since I did not work on the question myself, I no longer remembered the details very well. I did remember the beginning of the matter and I remembered that the execution took a long time, longer than we had expected. I had hoped that it would be very quick and I remember that this delay arose from local difficulties with the SS. I also remember that Beiglbock was an observer for us. That was on the basis of his clinical training and he was the most suitable person, but at the time I had forgotten all the details, because they were not worked out in my office and I did not have any direct contact. However, in the meantime I have had so much time to deal with the material again, so that the picture has been reconstructed as it was at the time.

Q General, I am shocked to hear you say that the details weren't worked out in your office, because I am rather under the impression that you did everything in these experiments except go to Dachau and perform them yourself.

How many meetings of the consulting physicians did you attend?

A Only the meeting in 1944.

Q Are you sure about that? That's the only one we have proved so far you attended? Are you sure now? Is your memory quite clear that that is the only one you attended?

A Yes, that is certain. In 1943 as I told the Tribunal, Africa was being evacuated and the meeting took place in Italy. In '42 at the time you passed, I was in Africa. In '43 I was in Sicily. In '42 I was in Africa.

Q Now, do I understand you to say that the first time you learned anything about the high-altitude experiments was after the war ended and you were in captivity?

A Yes. That was in October or November 1945 when I was a prisoner of war in Latimer near London. We heard it on the radio. That was the first thing I had heard of it.

Q Rose didn't tell you about these, did he, in London I mean?

A We were together in the same camp.

Q Well, how much information did he give you about these Dachau experiments? I am inclined to think he talked to you about it. What did he tell you?

A I can even remember the occasion. We had a news service in the camp. It was posted on a board. There was this radio notice on it and we stood there and read it. That was the first news about it.

Q Did Rose, on that occasion, talk to you about this meeting he attended in Nurnberg in October 1942 about the freezing experiments? Didn't you Luftwaffe gentlemen have a little discussion then about these experiments?

A It is possible. At that time we were in this camp a so-called OKL party, the high command of the Luftwaffe, was there. We had to work

for an English-American commission and work out our offices, our official duties. There was the chief of the general staff, and so forth. And his office had quite a number of documents, files, and when this notice was posted on the board I asked the English or American liaison officer whether they did not have anything about this in our files, any evidence of what was asserted in this radio report. And after a few days one of the American gentlemen came and brought me this report, distress at sea, winter distress, which was in the files which had been collected at Latimore. I went through -- I read it, and I talked to the English or American liaison officer and I explained to him that to my knowledge, as far as I had known up to that time, this radio report could not be true of the Luftwaffe. I know nothing about it. That must still be in the files at Latimore.

Q Well, I guess you conceded it was right after you read the freezing report, didn't you, General?

A I beg your pardon? Today you mean? Yes, it looks different today than it did at that time, but we were of the opinion that it could not possibly be true in that form at the time.

Q I assume you never talked to Ruff or Rosenberg before the war ended about these high-altitude experiments they conducted at Dachau?

A That is true. I never talked to them.

Q Becker-Freysing never told you anything about them?

A No. I imagine he himself was not informed.

Q And you never made any investigation of the matter, of course, since you knew nothing about it?

A No.

Q And you took no action against anyone with respect to it, of course?

A I am sorry. That came through in English.

(Interpreter put the question).

A No, I had no knowledge of these things.

Q You were a close friend of Hiepke's, weren't you? You went to school with him, didn't you?

A No. We studied together, and as Medical Chief I saw Hiepke only

... once or twice. We did not see each other at that time, but that was because of geographical conditions. I was in Savelow with my office, and I was in some other town.

Q Well, you don't disown your friendship now for Hippke, do you?

A No.

Q And they had channels of communications between you and Hippke, didn't they?

A No. While I was in office you mean?

Q While you were the physician for air fleet 2, for example, you were stationed in Italy for part of the time. I take it that you might have talked to Hippke over the telephone from time to time. That was a possibility, wasn't it?

A Yes, but at that time we had no contact because we had certain personal differences.

Q And you never discussed these experiments with him?

A No.

Q You never got the report on the experiments which was written by Ruff, Rosenberg and Rascher?

A No.

Q What did they do with these reports on aviation medical matters? Did they hide them somewhere and not use them?

A I never got them. I already said that.

Q When did you first learn about the freezing experiments? Did I understand you to say that was in May of 1944?

A No, in the spring of 1943 I saw this report on distress at sea and winter distress for the first time, as I said yesterday or today, the official report of the meeting. I estimate that it was distributed in February or March, '43, to the subordinate agencies.

Q And that was the first you heard about it?

A That was the first time I heard of it, yes.

Q You didn't receive the medical report written by Holzlochner, Zinke and Rascher?

A No.

Q They hid that somewhere too, just like the high-altitude report?

A I don't know. As far as I have heard they were not in our office at all.

Q When did you first hear about using the warm bath method to revive persons suffering from shock as a result of prolonged exposure to cold?

A From the report on distress at sea and winter distress in which that was cited as directives for treatment, if I remember rightly, but it is possible that before that there was a circular to the subordinate agencies saying that that should be done. I can't say exactly, but it was certainly in the report somewhere.

Q Well now, General, do I understand that the German military medical system was run so that you received your instructions from these

reports about meetings? Didn't the medical service, as a matter of fact, issue something in the nature of formal instructions, formal directives?

A As has already been said by Dr. Handloser, directives were issued on the basis of experience or lectures at congresses by us. In the Luftwaffe--what was the name of it--there were announcements for troop physicians, "Feldkellungen Für Gruppenärzte". These were pamphlets which were sent around which gave orders or things which instructed the troop physicians generally in a brief form. It might be, for example, now drug or light or something that freezing should be treated with hot baths. I think that is all. As far as we were trying to create a bathing apparatus, I don't think that was done. I don't know if there was a regular or special unit or not for such kind of things. There were two or three of them.

Q General, I have an interesting report which was taken in England when you were there with Reed and some of the other doctors in the Luftwaffe, and they asked you what you thought were the greatest advances in German military medicine during the war. And you listed a number of them, but about fourth in the list you put down this was a bath method for treating shock due to prolonged exposure to cold; do you remember that?

A That was probably in June, '43, in the interrogation, it might be that we talked about that, but several things were mentioned. It was not the only one.

Q I told you that, but I think since you regard it as such a remarkable discovery you would be able to tell me when you first received instructions about using that method of treatment?

A That would be in the spring of '43 when the effects of this report on distress at sea and winter distress came out and that was actually a considerable change. For centuries all instructions for treating freezing cases have said that they should be rubbed with snow, then with cold water, then with lukewarm water and then with warm water,

and that now suddenly there was to be a change from this old procedure; that one was to put the patient immediately into a hot bath. That was actually a considerable change, especially since the results were proved to be better.

THE PRESIDENT: The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(The Tribunal adjourned until 27 February 1947, at 9:30 hours.)

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Volume 11

Feb. 27-Mar. 4, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME II**

**TRANSCRIPTS
(English)**

27 February – 4 March 1947 pp. 3618–3981

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 27 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, the defendants are all present with the exception of the defendant Oberheuser who is absent due to a continuation of her illness.

THE PRESIDENT: The Secretary General will note for the record the absence of the defendant Oberheuser on account of illness and I will file the doctor's certificate with the Secretary General. Counsel may proceed.

OSKAR SCHROEDER - Resumed

CROSS EXAMINATION (Continued)

BY MR. MC HANEY:

Q. General, I want you to make clear two other points to the Tribunal with respect to Becker-Freyseng. It is true, is it not, that all research assignments made by the Luftwaffe came through the office of Becker-Freyseng, irrespective of whether or not they dealt with aviation medicine?

A. Yes, I explained that yesterday. I explained that because of office technical reasons all research assignments were dealt with in the department of Becker-Freyseng, but it should not be understood that those assignments which had nothing to do with aviation medicine, for instance, in the field of hygiene, or dental care, or other things, were also worked on in that department, but they were only worked on down there in an office technical manner. As I explained yesterday, in order to deal with such assignments certain formalities had to be abided by. These things were

well known in the department of Becker-Freyseng and since the mass of these assignments came from the sphere of aviation medicine this department already before the time I came there received the office work with reference to all of these assignments. With reference to the contemplated assignments which remained in the department we could see at all times what agency of my department was actually working on the scientific questions.

Q. The technical reasons you mentioned, it was also true, was it not, that all reports made by scientists working on research problems for the Luftwaffe flowed back through the office of Becker-Freyseng, irrespective of whether they dealt with problems of aviation medicine?

A. I cannot say that with certainty but I would imagine and in order to choose an example, a report about parodontosis research did not go to Becker-Freyseng at all but was dealt with immediately after it was received by the mail and was assigned to the man working on it. I cannot say that exactly. That is a matter of mail distribution which was not supervised by me in any way.

Q. Well, General, don't you know as a matter of fact that with respect to the work of Haagen on typhus, and assuming he sent a report in to the Luftwaffe, didn't that report as a matter of fact pass through the office of Becker-Freyseng? Of course, I admit it was undoubtedly sent along to Rose, but didn't it go through the office of Becker-Freyseng?

A. I would doubt that very much. Any work of Haagen was clearly recognizable in the registration office as a field which belonged to the framework of hygiene, so it would not be handed to Becker-Freyseng because that would have been a wastage of time which was completely unnecessary - to give the work to Becker-Freyseng and then have it sent on to Rose. I would imagine that this was sent immediately to the expert working on it, either Rose or Atner.

Q. The office of Becker-Freyseng was one central place where you could tell the status of all research assignments by the Luftwaffe. He wasn't advised as to these reports, then how did you tell anything by looking at the files except that in the year 1942, for example, the re-

search assignment had been made by Haegen? Don't you know as a matter of fact that these reports came back through his office so he could keep track of what was being done on these research assignments?

A. The list of research assignments, as I said before, were kept in the department of Becker-Freyseng, but all the field which did not belong in the sphere, such as hygiene and other fields, on the basis of the assignment were supervised by those experts who were competent to do so. That is to say, that it was completely sufficient if the respective experts received such a work, that he merely had to inform Becker-Freyseng or telephone him, "Mr. Becker-Freyseng, the work is being done," and we received the final report and the report as such did not have to be submitted to Becker-Freyseng at all.

Q. When were you promoted to the rank of Generaloberstabsarzt?

A. On the 1st of January, 1944.

Q. When were you promoted to the rank of general?

A. On the 1st of June, 1940.

Q. Do you remember when you were promoted to the rank of Oberstarzt?

A. Yes, on the 1st of August, 1938.

Q. Holzloehner served with you during the campaign in the West, didn't he?

A. Yes.

Q. I don't believe you told the Tribunal yet about the conversation you had with Holzloehner on his freezing experiments, have you?

A. What experiments do you mean? What discussions do you mean? Do you mean in the year 1940?

Q. General, you know as a matter of fact there apparently is some dispute between the prosecution and yourself about the precise date, but you knew during the course of the war that Holzloehner, Finke, and Rascher had carried out experiments on concentration camp inmates at Dachau?

A. Yes, I learned that in my office in 1944, as I said here before.

Q. And, I am suggesting to you after you learned that Holzlochner had been implicated in those experiments you called him in and talked to him?

A. Yes, oh yes. I know when you mean now, yes. There are two things which play a part here. I said yesterday already that Holzlochner in the year of 1940 had furnished the Aid Station at Witze, the Rescue Station at Witze, where he first gained experience, people who were rescued from the sea. Then I lost sight of Holzlochner, since I left the west in the year 1941, and I saw him again for the first time in the year of fall of 1944, which for some reason that I do not know, visited a gentleman of my office. At that time I spoke to him shortly and since I had learned in the meantime that he was conducting experiments in Dachau, I asked him briefly whether that was correct or how he was doing it, and I remember at that time he told me that he was conducting experiments which were based on his old experiences which he gained at the coast and he was supplanting those experiments by conducting experiments on human beings in Dachau. At that time, he was speaking about 6 or 7 criminals who had been condemned to death and who were put at his disposal for that purpose; he, at that time, said nothing about any fatalities. At that time, I gained the impression that the entire manner of the experiment had impressed him mentally. I had the feeling that he did not like to speak about it; his suicide later confirmed that.

Q. Well, General, I think this is all rather significant. I think you should have probably made some mention of it before this date. When was this meeting with Holzlochner?

A. I said that during my interrogation; I think that was in the fall of 1944. I cannot remember the exact date any longer. It could have been November 1944. I am not quite sure.

Q. Well, this was after you had initiated the sea-water experiments, then; is that right?

A. Considerably later, yes.

Q. And, as I recall, you also said in this interrogation that you had seen this report by Holzlochner, which I understand, you to have denied before; now, had you seen Holzlochner's report, or not?

A. No, nor did I ever say that I had. He reported to me on this, but he

did not show me a report.

Q. Now, General, I am reading from a summary from an interrogation of you on 21 October 1946, and one paragraph reads as follows: "Schroeder also knows about the Sea-net and Winter-net reports from which he could conclude that human beings were used for experiments. This could also be concluded from Holzlochner's report on the Freezing Experiments, and it could furthermore be seen from the comments which Dr. Rascher wrote on the above matter. Schroeder learned about these matters in 1944." Now, is this summary inaccurate?

A. Very inaccurate.

Q. All right, let us get it straight. In the first part of 1943, you received a report on the Nurnberg meeting, did you not?

A. Yes.

Q. In May 1944, Becker-Freysing told you that Holzlochner, Finko, and Rascher, had carried out experiments on concentration camp inmates at Dachau, did he not?

A. That is not the way to put it. He said that Holzlochner had made the experiments; nothing was said to me about Rascher and Finko. I did not know them.

up to that time. I heard their names only since I was imprisoned.

Q. You mean you had not heard up to then that Rascher had worked with Holzlochner on these experiments; is that right?

A. No, I did not say that. I heard Rascher's name for the first time in this report of 1945 when I was imprisoned.

Q. Well I do not know, General, but I am going to look in just a minute; I think Rascher's and Finko's names are mentioned in this report which you got in the first part of 1943 on the Purgberg meeting. You do not recall that?

A. No.

Q. And, I very well remember, that Rascher had made a comment on this rather long lecture by Holzlochner, from which it could clearly be seen that Rascher, himself, was experimenting with Holzlochner; do you not remember that?

A. I can say that now, because in the meantime I have seen these reports, Sea-net and Winter-net, and have read them through carefully and acquainted myself with the various names, and I knew that in this report there is an extensive report by Holzlochner and after that a short discussion remark by Rascher. I did not pay any attention to it at that time because I had no connections with Rascher, nor did I see any reason why I should; but, I did interest myself in Holzlochner's report because I knew him from my working with him on the French coast.

Q. Well, we will come back to the report in just a moment, but right now I want to go on with your discussion with Holzlochner. Can you tell us, more or less, exactly what he told you?

A. That is a little too much to ask, a short remark that I made in 1944 on the occasion of a first visit, that I should recall it now. I do recall that Holzlochner was not by me in

my barracks, and I asked him to stop in a moment and then asked him regarding the experiments. He answered me briefly and then our talk was at an end. The only thing that struck me was that Holzlochner, who previously had been a very lively and fresh person seemed now very depressed and worn out. I attributed that to the five years of war that had taken place by that time. That there were other reasons, perhaps, for this, I could only adduce later from the tragic demise. It could be that I made remarks to my adjutant on this subject. I am not sure at the moment, but I think it is quite possible because Augustinick knew Holzlochner very well, and liked him. Perhaps Augustinick can be asked about that later.

Q. You said a moment ago you got the impression that Holzlochner did not want to talk about these experiments, and you also had been dabbling in Dachau experiments, yourself. I think under these circumstances, it might be expected that you would have questioned Holzlochner rather closely with what went on in his experiments. You did not do that?

A. He told me briefly that his observations from the English channel coast could be checked on experiments being carried out on animals condemned to death in Dachau, and that these experiments had been described in the report which he had submitted. That made me perfectly clear with what was going on and why should I ask anything further. I was not particularly interested in going into that specific result.

Q. Well, were the sea-water experiments over at that time?

A. Yes, a long time ago, and for that reason, it must have been that Holzlochner came to me because these experiments had been concluded long previously.

Q. You did not have any one in the nature of a representative at the Farnberg meeting in October 1942?

A. No.

Q. Now, you mentioned this report which you received on that meeting; that is Document HQ-401, Prosecution's Exhibit

A. You stated that you did not know that Rascher and Finko were working with Helzlsouer. I found a statement on page 11 of this report which reads as follows: "The relevant statement, with the cooperation of Stabsarzt Dr. Rascher and Stabsarzt Dr. Finko, they refer to a stay in water of 2 to 12 degrees." That statement indicates very clearly that Rascher and Finko were working with Helzlsouer, does it not?

A. Yes.

Q. Now, I think you stated to your own Defense Counsel that it was impossible for you to conclude from this report that experiments had been carried out, but rather, you thought they were clinical observations made on people fished out of the North Sea; is that right?

A. Yes, I based my statement, my testimony, solely on Helzlsouer report which was the only thing that interested me. There were reports by Wore and others but I did not read them. I glanced over them briefly but gave no further attention to them because I did not know the people who had drawn them up. I could go over all the affidavits later.

Q Let's just look briefly at one or two points here and see if they might not indicate to you, if you thought about it a little bit, that these were really experiments and not clinical observations on people who accidentally fell into the sea. For instance, on page 11 of the translation it states as follows:

"The rapidity with which numbness occurs is remarkable. It was determined that already five to ten minutes after falling in an advancing rigor of the skeletal muscles sets in, which renders the movement of the arms especially, increasingly difficult. This affects respiration also. Inspiration is deepened, and expiration is delayed. Besides this, heavy mucous secretions occur."

Now, when you read that little paragraph about a man who had been in the water five to ten minutes where it said that he had rigor of the skeletal muscles, where his inspiration is deepened and his expiration is delayed and where there is a heavy mucous secretion, did you imagine that they had Dr. Holzschner in a lifeboat in the North Sea making these observations on some aviator who had fallen in accidentally? Did you think that, General?

A Yes, that's what I thought. You don't know the local situation at Wissen. There was a beach and dunes; and on the dunes always stood a guard of the aid rescue station, who kept an eye on the water and that part of the country, particularly when flights to England were taking place so that it actually did happen that fliers bailed out and fell into the water just in front of the shoreline. Rescue boats were ready at that time and went out immediately into the ocean, so that it was altogether possible that fliers who fell into the water close to the coast could very shortly be observed and rescued. Those are the facts of what took place at that rescue station at that time.

Q On the same page they have this remark: "With the drop of the rectal temperature to 31 degrees, a clouding of consciousness occurs, which passes to a deep, cold-induced anesthesia if the decline reaches below 30 degrees."

Now, do you suppose that they pulled this aviator in and inserted a rectal thermometer and found his temperature at 31 degrees and then tossed him back in and let it drop another degree, all the time watching closely clouding of consciousness, and then hauled him back in when it was 30 degrees and noted a deep, cold-induced anesthesia?

A No, nor is that the correct way to put it. This is one of the observations that was new to us and to which we paid a great deal of attention as an explanation of these incomprehensible fatalities, namely, the fact that when the people were removed from the water their temperature still dropped and exactly at the time when their temperature dropped there took place the fatal collapse of the heart. This was one of the fundamental and new observations on our part; and I must repeat again and again that this rescue house was a small place, but it did have the apparatus for observing these people very exactly. That was the sense of the whole thing.

Q General, you've already covered yourself a little bit by saying you didn't read these discussions after Holzlochner's lecture very carefully; but I want to read you the one by Rascher in any event and see if you won't admit that if you had read this little comment by Rascher that there could have been no doubt whatsoever in your mind that experiments were carried out and not observations on aviators in the North Sea. This is on Page 15 of the translation; and Rascher has said:

"Supplementing the statements of Holzlochner, there is a report on observations according to which cooling in the region of the neck only, even if it lasts for several hours, causes merely a slow low sinking up to one degree centigrade of the body temperature without changing the blood sugar level or the heart function. Checking of the rectal temperature was carried out by taking the temperature in the stomach, and showed complete agreement. After taking alcohol body temperature decreases at a quicker pace. After taking dextropur, the decrease is slower than with the experiments in both sober and alcoholic condition. Hot infusions (10% dextro-solution, physiolog. Table salt-solution, tutofusin, physiolog.

Table salt-solution with pencortex) were successful only for a time."

Now, General, if you had read that, wouldn't it have been perfectly clear that these were experiments?

A. Today, of course, after this whole question had been exposed to light, I should; but at that time I never suspected the possibility from that report that these were a special group of human being experiments. I can say that here under oath; and I should like to reiterate it. That was my attitude toward the matter at that time and it has only been changed by what I have discovered.

here.

Q. I might also point out to you that Bensinger's comment expressly speaks of Holzlochner's experiments repeatedly; but I assume that that also made no impression on you?

A. I can say one thing to that. My course de, also the medical inspectors in my office at that time in Italy, did not have any notion either that human experiments were the basis for these reports. Never was one single word said about such thing on the occasions of my inspecting visits. Of course, during my visits to the Mediterranean such matters were brought up; but I never heard any indication that these reports were the result of a long series of experiments on human beings. In other words, others, too, did not see so clearly as it is being pointed out here that these were human being experiments.

Q. And you heard no rumors in the air force at all about these experiments, although there had been a large meeting at Wurzburg in October, with considerable comment there about these experiments? Holzlochner had later made a lecture before all the consulting physicians, at least those who attended the meeting on internal medicine where he spoke. He gave another report there on these experiments. You never heard any rumors in the air force about these things; is that right?

A. No.

Q. You never talked to Finke about these experiments, did you?

A. I have often said I don't even know Finke.

Q. And I think you have already commented on your statement that "Woltz only experimented on animals. That statement of yours is just based on what Woltz himself told you; isn't that right?

A. Yes.

Q. Since you don't know anything really about Holzschner's Rascher's, and Finko's experiments, you can't swear to this Tribunal that Woltz wasn't in Dachau working with them, can you?

A. These things happened long before my time. I can only state here what I heard because I had nothing to do with it officially.

Q. Well, I repeat then, you can't state that Woltz didn't in fact cooperate with Rascher, Holzschner, and Finko, can you?

A. Only from the reports of the individuals which the gentlemen gave me. I had nothing to do with it officially. I can only base my testimony on reports that these gentlemen in question, Becker-Freyseng, or Woltz or someone else gave me.

Q. Well, you never talked to Woltz about Holzschner's experiments, did you?

A. No. During our imprisonment, yes, but not at this time.

Q. On the sulfanilimide experiments you state that you know nothing about those?

A. Yes.

Q. Did you read the report on the meeting of the consulting physicians in May, 1943?

A. I don't remember. I don't know anymore. I do not recall the report as such, though I may have had it in my hands.

Q. Who were the consulting surgeons of the Luftwaffe in 1943? Did you know any of them?

A. Yes. The doctor was chief of the medical inspection, Prof. Gerhardt in Berlin. Then Morkel, my advisor at my place. Then there was Prof. Eickelwerdt, in another fleet, Prof. Eubler, Prof. Reich, and a few others. Prof. Morkel De La. I was nearer to me in the fleet at that time, the air fleet, that is.

Q. I assume some of these gentlemen attended this meeting of physicians in May, 1943, don't you?

A. Well, they must certainly have been there, yes.

Q. But none of them ever reported anything about this meeting to you?

A. Professor Buerkel De La Camp probably came as an adviser because he was my adviser at the fleet and I must assume that he was there by he never told me anything of these sulfonalimide experiments. They could not have made any impression on him. Otherwise, he would have reported on that.

Q. You mean that your consulting surgeon with air fleet No. 2 went to this meeting, is that right?

A. I believe that must be true, because I took every occasion possible to send him to such meetings or conferences.

Q. He was your representative there?

A. Not my representative, but as consulting surgeon he was present at consulting conferences when various air or army physicians got together in conferences in the interest of science and for their own specific work they received indications of what to do at these conferences.

Q. Well when he came back to air fleet No. 2 of which you were flight physician, it was his duty to report to you about what went on at these meetings, wasn't it?

A. Of course, he told me regarding the conference what seemed important to him personally.

Q. Now, let's move on to jaundice, General, do you remember Document No. 125, which is Prosecution Exhibit 194, that is a letter from Haagen to Gutzeit. Here he says:

"Dear Colleague Gutzeit:

Many thanks for your letter of June 24, 1944. I am glad that Herr Bason will come here on 15 July. We shall then review all common hepatic questions and perhaps also set up the experiments together.

"I cannot at present definitely answer your inquiry about human experiments. As you know, I am working with Herr Zalk, Herr Butchner and Herr Buchschwert. Naturally, I have already arranged with Herr Zalk that we are

undertake that type of experiment with our material. I must therefore first determine the point of view of the others concerned.

"I shall be very glad to begin work on the hepatitis material from your Oberstarzt K." Signed Hagen.

Tell the Tribunal who Koch was again, will you?

A. Kalk you mean, not Koch. Kalk was consultant with me and a particular expert on the hepatitis question.

Q. He was a Luftwaffe doctor, wasn't he?

A. Yes, he was.

Q. And Buchner?

A. Buchner was consulting pathologist of the Luftwaffe.

Q. And Zuchswardt?

A. Zuchswardt was consulting surgeon for air fleet No. 3 in the West.

Q. And, of course, Hagen himself, was a Luftwaffe man, wasn't he?

A. Yes.

Q. So we had all four men of the Luftwaffe, doctors, and as he said here in the letter they were arranging to undertake experiments on human beings, doesn't he?

A. No.

Q. Well, what is your explanation of the letter then, General?

A. First, as I said yesterday, it is not a question of who belonged to the Luftwaffe, rather Hagen had for his hepatitis job collected men around him who could advise him in this field. There was Gutzeit from the army, and another man, Dörmann, from the army, and then from our sphere those who were experienced in the hepatitis question; in pathology Professor Buchner, and also as it happened from our sphere a man who knew a great deal about hepatitis, namely, Kalk. These gentlemen who were not chosen according to their membership in a branch of the army, but according to the knowledge and experience in the field of hepatitis research, they had formed a working community for this work. Professor Gutzeit has already told the Court about this and this had nothing to do with different individual branches of the Wehrmacht, but with the research of the hepatitis question.

Q. Well, General, you haven't answered my question. I can only draw the conclusion from this letter that at a minimum these four Luftwaffe men were preparing to make experiments on human beings with jaundice. Now you have indicated a contrary view, but I am asking you to explain the language in here, such as "I cannot at present definitely answer your inquiry about human experiments." And then: "Naturally, I have already arranged with Herr Kalk that we shall undertake that type of experiments," referring to human experiments, "with our material." Now what is your explanation for those words unless it means what it says, that they are getting ready to experiment on human beings with jaundice, these four Luftwaffe men?

A. First, I can only base my statements on the document because this whole business was not something which was communicated to us by the Luftwaffe. It can be seen from the document that the hepatitis research was assigned by the research institute and was not under control of the Luftwaffe. If I can return to my previous testimony I shall repeat that a working circle was built with no regard to membership in the individual Wehrmacht branches. In the affidavits that have been submitted in the document books it can be ascertained that neither Buchner nor Kalk made any preparations for human experiments or intended to carry such out.

Q. Now, General, I can appreciate you have some difficulty with the question I put to you, but let's keep going along the line of your responsibility, what these men did, which I understand you deny or refuse to assume. I am also not interested in what Kalk and Buchner have to say about their affidavits. I am just interested in this one letter, and I am asking you if it is not true that the only conclusion which can be drawn from this letter on its face is that these men were preparing experiments on human beings with jaundice.

A. No, you cannot draw that conclusion because it says there the question put to Gutzeit regarding human experiments cannot at this time be answered. In other words, they were simply under consideration or discussion of this problem, but there was no decision to carry out those experiments on human beings.

Q. We can agree then at least that they were considering the matter. Isn't that right, General?

A. That is true, yes.

Q. Look at the next letter, one page beyond, General, that is Document No. 126, Prosecution Exhibit No. 195, and this is a letter from Haegen to his collaborator Oberstarzt Professor Dr. Kalk, with the Chief of the Luftwaffe Medical Service, Saalow:

"Dear Herr Kalk:

In the enclosure I send you a copy of a letter from Gutzeit and my reply. I must proceed as soon as possible with the experiments on human beings. These experiments, of course, should be carried out in Strassburg or in its vicinity."

And I might say parenthetically, General, they could get their subject from Eltzweiler, since that was so close to Strassburg, and it goes on:

"Could you in your official position take the necessary steps to obtain their required experimental subjects? I don't know what sort of subjects Gutzeit has at his disposal, whether they are soldiers or other people"

Signed, Haegen.

Now, General, doesn't this letter indicate they had a fixed intention to carry out experiments on human beings under subordinate Kalk, Haegen, Zuchswert and Buchner, isn't that right, General?

A. No, it simply says here that Haegen had the intention, but there is no word saying that Buchner or Kalk wants that. It is only Haegen's point of view, and he referred to the fact that Gutzeit is thinking along somewhat the same lines.

Q. Well, General, I put it to you that this prejudice was a very serious problem, and I also want to call your attention to the date, that is June 27, 1944, and that was only, let's see, seventeen days after your letter to Himmler asking him for experimental subjects at Dachau?

A. That has nothing to do with this, that is altogether an artificial

picture you are drawing. This thing was never in my hands. It was not addressed to me. Haagen never received a commission to carry out heretic research from us. With that combination naturally you can do everything.

Q. General, you are the one jumping at conclusions. I was suggesting to you or about to suggest to you that since this was only a couple of weeks after you had written Himmler, Zolk could undoubtedly not have had any objection to carrying out such experiments himself since he had men in the Luftwaffe who had agreed to carry out such experiments, isn't that possible?

A No. Kalk didn't know anything about the sea water experiments - had nothing to do with them - and was also not part of my office. It was sent to Saalow because his house had been bombed out and mail went through us so we could forward it.

Q Now, you have indicated that Haagen and Kalk and Zuckerswerdt and Buechner, in so far as they worked on hepatitis, had received their orders from - what agency did you say?

A Neither Kalk nor Buechner - those were two matters that overlapped. Haagen received no commission but rather did receive from the Reich Research Institute. This had nothing to do with the Luftwaffe - did that in the Hygienic Institute. And, as I said yesterday, consulting members were civilians and were subordinate only to the superior. Buechner was the consulting pathologist for the Luftwaffe and carried out the experiments for the Luftwaffe that fell to him. He had various work groups. There was one that concerned itself with pathology and hepatitis work. The liver punctates were examined there. He concerned himself only with the hepatitis state of affairs in the Luftwaffe hospitals. He was in special charge of certain hospital statements in which certain cases of hepatitis were recorded. A report of this can be found in the document book. Those two were entirely separated things.

Q Now, Haagen was subject to the orders of the Luftwaffe, wasn't he?

A As consulting hygienist only - in that capacity and none other.

Q Now, General, I can understand that the Reich Research Council could supply funds to Haagen to carry out a certain experiment but, as Dr. Beck himself has told us, the Reich Research Council couldn't issue orders to Haagen or anybody else. They just supplied funds to make it possible to do the thing. Now, this man was subject to your orders?

A No. In this capacity he was not only in his capacity as consulting hygienist - not in the capacity as Director of Strassburg.

Q Well, suppose he spent all his time doing research work for the Reich Research Council. Are you just impotent in that situation

or can you send down an order and say "Hagen, drop your work for the Reich Research Council."

A No, I could never have done such a thing because he was not subordinate to me as Institute Director. I had no influence over him. I could not have done such a thing.

Q Well, I am a little confused about this. You seem to say that although he was an officer in the Luftwaffe that really you couldn't order him to do anything he didn't want to do; that he could be an officer in the Luftwaffe but he could spend all his time working for the Reich Research Council and carrying out his duties with the University of Strassburg. He didn't have to do anything for the Luftwaffe, is that right?

A I testified yesterday and Hanelosor testified to the same effect regarding consulting doctors, that we sign certain compromises. It was often necessary for the consulting person to be retained for their work in the civilian sector. If we made too great demands on them in the Wehrmacht then they were made UK, that is, indispensable. And, in order to avoid that we had, as I said, to find certain compromise solutions to permit that as much civilian activity as possible - teachers or other matters, or not to make too great demands on them on the part of the Luftwaffe. As I have also said the supervisors were subordinate to the local civilian authorities in their capacity as supervisors and not to us and we had charge only in those fields in which we really had need of the. This is true of various people - Hagen, for example, who was both Institute director and a teacher and Zuckelweert who had his own practice.

Q And you don't think it correct that Hagen as a matter of practice supplied the Luftwaffe with results of his research work - that is, all of his research work. He didn't have to have a special assignment from you, did he? He was doing something along the same line for the Reich Research Council which you were interested in - don't you think he told you that?

A No. And, the document here clearly proves that his reports were sent to the Reich Research Council and not to us. The distribution is to be seen there - the place to which Haagen sent his reports. And, you can believe me about that - that the reports did not come to us. They were top secret and there is no reason they should have been shown to us. Matters that concerned the Wehrmacht are discussed in these reports, as in the case of the hepatitis research. Then, showing how to present hepatitis would have been clearly seen in the reports. However, since this did not exist there was

no need to show us these reports.

Q Who was the President of the Reich Research Council, witness?

A I don't know. I know who the acting president was, that was Menzel. Reich Marshal Goering was the President. My office had nothing to do with that. I don't remember.

Q Well, you mentioned his name - it was the Reich Marshal Goering. Tell the Tribunal what Goering --

A Yes. I heard it here.

Q Tell the Tribunal what Goering's position with the Luftwaffe was?

A The High Commissioner of the Luftwaffe - Commander in Chief of the Luftwaffe.

Q Now, tell us all you know, General, about the experiments of Haagen with typhus vaccine in the years 44-45?

A It can be said in one word - nothing.

Q Well, you knew he was doing some work with typhus vaccine, don't you?

A I knew that he had a typhus vaccine but I had no information as to what he was working on at that time.

Q Why I thought you had already testified that you knew he was in the business of producing typhus vaccine, didn't you?

A Yes I did. And it could be seen from the commission for the research that he had been commissioned to produce typhus vaccine. That is the total extent of my knowledge of this matter.

Q Do you know how much he produced? How many liters he produced down there?

A No.

Q Now, General, you know as a matter of fact that really his commission was to develop a good typhus vaccine through experimental studies so that production could be instituted. You very well know that Haagen down there producing typhus vaccine on any scale, you know that, don't you?

A No. I didn't know the details as I have already testified in 1. I had much more to do than concern myself with these matters that were unimportant to my real field of work. There were decidedly different tasks for me and worked day and night to concern myself with although these matters were interesting and important they belong in the academic room not in the actual office carrying on my business.

Q You left these matters up to Rose, didn't you, doctor?

A Rose and

Q Will you tell me again when you visited Haagen in 1944?

A About the 23 of May 1944 when I returned via Strassburg from France on an official trip and went to Berlin. I interrupted my trip in Strassburg to visit Zuckschwerdt who was director of the University Clinic and to see experiments that he was carrying on and that was the total extent and reason for my visit in Strassburg. My time was limited by the fact that the train was five to six hours late and I arrived not early in the morning but at noon and had to go on almost immediately. It was important to me, since the question of surgical care was very pressing to us in the West at those weeks, to have a talk with Zuckschwerdt on this question. That was my own special field -- my own special field was throat trouble. I went in to see a friend of mine in the Institute and it was so that I came to Haagen Institute and inspected the main halls of the laboratory -- a tour of the institute so to speak. That is the way I had a visit with Haagen.

Q And you didn't take occasion to discuss what he was doing?

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A. Yes, he told me of his vaccine experiments on animals. He told me about them previously.

Q. What vaccine was he working on then? The Dry Vaccine?

A. I can't say that for sure now. This visit was very superficial, and here also I was much more concerned with other matters. I have an image in my mind of the institute, a few laboratories, the animals' cages, and the fact that the work was being carried on there, but whether it was dry vaccine or some other vaccine I don't remember any more today.

Q. Was Rose with you?

A. No, my Adjutant, Agustinick, was with me and he can state his own opinion about this matter himself.

Q. Do you know whether your office received any typhus reports from Haagen?

A. A report that is among the documents here I received in which Haagen speaks of the production of vaccine, mainly vaccines from chicken embryos. Has the question was discussed from a technical point of view I don't believe I have to discuss.

Q. Now, isn't it true that typhus problems were under the supervision of a central agency in Germany?

A. I don't understand what you mean.

Q. Well, let me put to you part of your interrogation of the 2nd of October. You were asked this question: "Did Handloser, Rostock and Karl Brandt know that the Luftwaffe had given such orders to Professor Haagen; that Professor Haagen was working on such matters." Your answer: "Well, I can only say that such orders had already been given earlier. The questions on spotted fever were questions in which the whole Wehrmacht was interested and these matters were not organized by us. They were distributed by the central authority and then one person would get one section and the other would get another and Haagen got that special section." Question: "Did Doctors Brandt, Handloser and Rostock

know about the experiments?" Answer: "That was before my time. I believe that they know about it. I believe that the orders were distributed by the central office from Brandt to Handloser to the Wehrmacht and to the Luftwaffe; that they were all agreed that they had to work up this section and then said: 'Well, Haagen will undertake this matter'."

A. This is taken from an interrogation but I don't know what you are talking about - about the production of vaccine. The production of vaccine was arranged before my time in such a way that the various branches took care of the production of it and delivered it. In this way there could be a supervision of the amount of vaccine available and how much was being produced.

Q. Well, if I understand the interrogation, you are saying that the central agency controlling typhus production matters was Brandt and Handloser and, later on, Rostow. Isn't that right?

A. No. Handloser did the distributing. It was probably worked out in this way - that Brandt was informed so that he would be in the picture.

Q. General, I want to put a document to you. It's already in the record. This is Document No. 122, Prosecution Exhibit 298. This is a letter from Rose, for whose activities you have assumed responsibility, and it's sent to Haagen. I just want to try to gain an admission from you that the Luftwaffe was implicated in the typhus experiments carried on by Haagen and that your office, and in particular Rose, very well know what Haagen was doing. And Rose says in this letter: "Many thanks for your letter of 12 August. I regard it as unnecessary to make renewed special request to the SS Main Office in addition to the request you have already made." And, General, I'll remind you parenthetically that we have these requests by Haagen which were sent first to Hirt and then Hirt requested prisoners to be made available to Haagen. Rose goes on: "I request that in procuring persons for

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vaccination in your experiment you requisition a corresponding number of persons for vaccination with the Copenhagen vaccine. This has the advantage, as also appeared in the Buchenwald experiments, that the testing of various vaccines simultaneously gives a clearer idea of their value than the testing of one vaccine alone." Dictated by Professor Rose and apparently signed by his adjutant.

A. Please look at the heading - upper right - 13 December 1943. At that time I was not inspector and I am not acquainted with these experiments.

Q. Well, but General, don't you think you are cutting that a little close? After all from December 1943 you went into office the 1st of January, 1944 and Haagen, as I shall show you in a moment, was very well carrying out experiments in 1944. As a matter of fact, they were carried out before you made your visit in May, 1944. Now, doesn't this letter indicate that Rose and the Luftwaffe knew what Haagen was doing?

A. Please ask Rose about that personally. I am not informed about this. I don't know anything about it. I am testifying here under oath and so I can't answer.

Q. General, I just want to point out to you that this Copenhagen vaccine, which he mentions in here, is the one which he sent on to Buchenwald to have them test it too. This was in 1944 after you were in office.

A. I heard that here during the trial. I didn't know about it previously and I again ask you to ask Rose about this. I can say nothing about this. I heard it here only during the trial.

Q. Whether you knew about it or not, you have to assume responsibility for what he did after you took office.

A. No, I can't take over responsibility for things I knew nothing about - only for things that I knew about.

Q. Well, but General, that limits your responsibility rather closely. You are a very busy man. You can't be informed about all

these little minor matters like experimenting on human beings. I thought you had testified earlier that you were prepared to accept responsibility for what Rose did as a member of the Luftwaffe. Do I now understand that you refuse to accept responsibility for anything he did except those matters about which you knew?

A. I can only bear the responsibility for things that were directly connected with my work. It is erroneous to say "such minor matters as human experiments." At my opinion it is very serious. I think I can only take the responsibility if I know what's going on.

Q. Or if you should have known what was going on? How about that, General?

A. If I had found out that experiments were being carried out on human beings, such as they are being described here, with vaccinations and in a form that I repudiate, then I also would have known how to take measures against that.

Q. General, do you admit that, on the basis of the evidence here presented, Haagen carried out artificial infection experiments to test his typhus vaccines in the year 1944?

A. There is no proof of that at all. In the matter of typhus vaccine there is no proof whatsoever.

Q. I now show you Document No. 127, that is Prosecution Exhibit 326. This is another letter from Haagen to Hirt, dated 27 June 1944. The second paragraph reads: "However, in the subsequent inoculations with virulent spotted fever which are to be made for the purpose of testing the protective vaccine, one must count on sickness particularly in the control group which has not received the protective vaccine. These after-inoculations are desirable in order to establish unequivocally the effectiveness of the protective vaccines. This time 150 persons will be used for the protective vaccine and 50 for the control inoculations." What's your comment on that, General? Doesn't that show he was getting ready to carry out artificial infection experiments in the year 1944 when you were Chief?

A Yes, but not under my commission. That I can say. We know nothing about this. I repeat that again and again. If it had been known I should have had opportunity to adopt an attitude on this matter and to take measures against it. Moreover, this letter says ... let me find the place ... it does not say at all that infections were carried out. It says, "in supplementation of my report I inform you that in the inoculations themselves there will not be a very long period of reaction or so long a period of reaction as previously observed." It says, in other words, that a vaccine ready and that it has been tried to a small extent, mainly in the institute (that is the regular practice in the case of new vaccines that they are tested.) Further, that there was no serious reaction -- the people did not even miss a day's work. Then it says further that the infections that are to be carried out later, to test this vaccine, etc. -- these subsequent infections are necessary in order to test the effectiveness of the dry vaccine; and to ascertain it the protective vaccine will be tried out on 150 persons and the other vaccines on 50 persons. Let me also point out that the vaccines are being tried out only people whose physical condition is similar to that of corresponding Wehrmacht soldiers. In other words, this is not an experiment that was actually carried out but is simply a proposal that Haagen is making and when I note the date of this letter, the 27 of June 1944, I can see that this proposal never became a reality because in the next month the war events took such a turn as to make such experiments impossible. It was a proposal that Haagen made to Professor Hirt which never came to the attention of my office. It was a proposal that was made months after I visited Haagen. In other words, these are matters of which I could know nothing and for which I can, therefore, not be held in any way responsible. That was outside my competence. Had I seen this proposal I should not have approved it in this form.

THE PRESIDENT: The Tribunal will now be in recess.

Court I

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: Now, General, let us try to reach some agreement about this Document No. 127, Prosecution Exhibit 316. Is it not true that the paragraph of this letter from Professor Haagen very clearly proves that Haagen was planning to make artificial infection experiments to test the effectiveness of this dried vaccine for typhus?

THE WITNESS: He had the plan from Rose for typhus vaccine experiments and typhus injections, but he did not intend for them to be fatal and it says nothing about that here; he says that sickness was to be expected.

DR. HEINZ FRITZ: (Defense Counsel for the Defendant Rose):

Mr. President, a great deal of time has been spent in this trial concerning the correspondence of Professor Haagen to establish what he was doing at the University of Strassburg or in the concentration camp at Natzweiler. For this purpose these letters have been shown, in part, to prove that that experiments on hepatitis or typhus were made. No doubt, the prosecution, as well as I know that Professor Haagen is in Baden-Baden in French custody and his assistant, Miss Crodel is in Berlin. I do not understand why the prosecution did not call these two persons as witnesses, for in that way these letters could be explained much more easily. I would be glad if the prosecution would explain why they did not call these two people as witnesses.

MR. McHANEY: I think the answer to that is perfectly obvious. Both Haagen and Miss Crodel are in custody and in the judgment of the prosecution, at least, are clearly implicated in the experiments on human beings, which resulted in the death of certain of these subjects, which has been testified to during this trial by the witness Schmidt who worked at Strassburg. We are in a position to know and see reports concerning this matter.

Obviously the prosecution is under no obligation to call witnesses who would be hostile. It is not to be expected that Professor Haagen, under the circumstances, would take the stand and admit that he carried out a single infection experiment on human beings without their consent. A reasonable conclusion would be exactly the contrary and the same is true with respect

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to his assistant, Miss Crodel. If those witnesses are to be called, it is apparently open to any defense counsel to put in a request. I think some of them have already done so with respect to Miss Crodel. It is perfectly obvious that they are not possible prosecution witnesses.

THE PRESIDENT: Neither the prosecution or the defense are obligated to call witnesses save those that they desire to put on the stand. The witness Crodel has been asked for by several defendants. Whether any of the other defense counsels have requested Dr. Heagen, I do not remember but anyone can do so if they desire his attendance. Whether he can be procured is another matter, but the Criminal Court approves the order.

BY MR. MOHAMED:

Q. General, let us continue and I want to hand you now Document No. 111 which has been introduced as Prosecution Exhibit 307. If you will observe, General, this is a secret memorandum from the Medical Academy of the Luftwaffe, dated 7 July, 1944 to Heagen among others and it concerns Heagen's experiments with Miss Crodel on this new dried typhus vaccine. It reads in part as follows: "There are no objections against the publication of the memorandum." It is easy to see it refers to a memorandum by Heagen and Crodel on their experiments. It continues: "However we call attention to the fact that the presentation of the infection-results in diagrams 1 and 2 differs from the usual presentation of vaccination-results concerning typhus and makes it more difficult for the reader to evaluate."

Now, General, this memorandum came from an organization subordinate to you, did it not?

A. Yes.

Q. By whom is this memorandum signed?

A. It is signed by the commanding officer of the Science and Research Institute, Luxembourg. In the first place this is not a secret letter, it is an open letter. Secondly, it has already been said all work done by a scientist, or work written by a scientist during the war, had to have approval for publication by the competent military agency. That is, it had

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to members of the Luftwaffe and in that case the Instruction Group, Science and Research at the Medical Academy had the responsibility of all scientific matters and the writings were examined to see whether they contained any statement which for war purposes should not be published and that is how this work came through. I do not know for sure as it did not come to me, as given these things only in special cases by the commanding officer. First we have established contact with Luxemburger and asked whether he had members having approved the work which mentioned experiments on human beings, he said "no". He said that he had not approved any work, that such experiments had not been conducted and that he had never seen such work. That is all I can say about it, but it was not my duty to read all this work myself as there was no office to do this.

Q. But at least General, Heston was sending the report to the Luftwaffe concerning his experiments with this dried typhus vaccine; was he not?

A. I cannot say, I do not know the contents of this report and I do not know what it says. He reported on dried vaccine, I can see that from this memorandum which says Experiments with a new dried typhus vaccine that is right at the top, but it does not show what kind of experiments were conducted.

Q. Whether it tells that or not, General, I want to ask you what you interpret this presentation of the infection-results to mean as contrasted with the vaccination results. As a lay-man, I am inclined to interpret that to mean they tested the anti-infection possibilities of this vaccine by infection experiments as in contrast with compatibility effects which are referred to in here as vaccination results; is that right?

A. Please ask Professor Heston that as an expert. Diagram 1 and 2 show he made a customary presentation of vaccine-results concerning typhus and it came from the result of vaccination apparently. Later on testing of the vaccine was made in the case of animals as well as human beings. The diagram refers definitely to vaccines which are being tested, that is my conclusion.

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Q. I want to ask you a question with respect to the next sentence, where it says, "In examining spotted fever or typhus vaccines with regard to animals and man the presentation of the vaccination-results is made by average curves from the fever-curves: all experimental subjects on one side and of the control persons on the other side."

Now, this reference to control persons interests me. If these were simply combatability tests of the vaccine made for simple tests to discover the reaction of the person following the typhus vaccination, what are the control persons which are mentioned?

A. I cannot say, please ask Dr. Rose about that. He is certainly better acquainted with the form of examination. Such technical reports in Berlin if scientific work were made by specialists, Luxenburger himself was a psychiatrist and he certainly did not write the report himself; it was probably done by Rose or Atmar, but I assume that Rose wrote it. He can certainly give you a good answer to this, which I cannot.

Q I am sure he probably has a very good answer, General. Now we come to document 131, which Prosecution Exhibit 309. This is a memorandum dated 29 August 1944, from your office, the Chief of the Medical Service of the Luftwaffe, and it is signed by your Chief of Staff, Kant. It is directed first to Haagen; secondly to the Science and Research Group of the Medical Academy of the Luftwaffe. Would that second notation there be referring to Rose? Would he receive this memorandum in the normal course of events?

A This regulation? You mean this letter, or what?

Q Yes.

A Yes, Rose received it. It says at the top, "Training Group, Science and Research." The consulting physicians were gathered there, and since it was a hygiene assignment, it was no doubt given to him for his knowledge. But I may point out number 1. It says:

"The research dealing with the dry spotted fever vaccine from vitelline sac cultures are to be continued. Therefore the 4,000 Reichs are being placed at your disposal."

One can clearly see what the contents of the assignment from 1942 given by my predecessor were. This supplements the report which is in the files here, where Haagen speaks of these vitelline sac cultures and the procedure of the Behring Works. I believe that without difficulty one can conclude here that the assignment which we gave Haagen was to the effect that this chicken egg process, which was developed in Frankfurt on the Main by Otto, was to be worked out from the point of view of production, that was to start up a large-scale production of vaccine. Number 2 of this letter also shows that --

Q (Interposing) Wait just a minute, General. Suppose you answer my questions instead of explaining the document; we will come to that in a moment.

I want to know to whom number 3 refers here. That is, the memorandum was sent to three places: First, Haagen; second, the Science and Research Group of the Medical Academy of the Luftwaffe, and you say Rose would naturally have received that; and number three says, "Chief of the Medical Service."

of the Luftwaffe", and then follows some sort of code designation, I suggest. To whom was this sent under the designation three?

A That went to an administrative official in my office. He was in charge of the budget; he was authorized to assign these 4,000 marks to the University of Strassbourg. This amount of 4,000 marks had to be given to Haagen's agency in some way. The budget experts took this sum from the funds at my disposal and sent it to the University of Strassbourg, to the treasury of the University of Strassbourg. From this sum Haagen was able to pay the expenses for getting the chicken eggs, for paying the workers, and so forth. In addition, the treasury of the University of Strassbourg kept books on this.

Q I think that is sufficient, General.

Now number 1, as you have already pointed out, indicates that you continued to support Haagen's work with this dry typhus vaccine, doesn't it?

A Yes.

Q And that is the same dry typhus vaccine which, in June 1944, he stated he was getting ready to test with artificial infection experiments, isn't it?

A That was not contained in our assignment.

Q Now then, under 2 it says, "A decision as to the establishment of a vaccine manufacturing plant cannot yet be made because the chief of the Medical Services of the Wehrmacht, who alone is competent to decide upon procurement of vaccines, has not yet taken a stand in this matter."

Now that indicates two things, doesn't it, General? First, that Handloser had complete control over typhus production; and secondly, that Haagen had not started producing yet? Isn't that right?

A That is right.

Q Number 3 in this memorandum reads: "Please advise whether it can be assumed that the typhus epidemic prevailing at Natzweiler at present is connected with the vaccine research."

Now, General, I suggest to you that that means that your chief of staff, Kant, very well knew that Haagen had been

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experimenting in Natzweiler with artificial infection experiments, and he was asking him if the experiments hadn't gotten out of hand and led to an epidemic there. Isn't that what it says, General?

A. One cannot absolutely conclude that.

Q. One has to strain to draw any other conclusion, doesn't one, General?

A. This is based on knowledge which Rosa had; I cannot say. Besides, it corresponds to the facts, since witnesses have testified here that in Natzweiler there was typhus epidemic which had been brought in from outside, and Haagen later reported this to us. But from this I do not see, and I assume that my chief did not know it either -- this does not say anything about a concentration camp, it says "Natzweiler". One can assume just as well -- which I no doubt read at the time and would still read today -- that it was one of the troop camps, many of which existed during the war. That can be concluded, above all, from number 4, that this opinion prevailed, because it is pointed out that information about typhus epidemics is to be kept secret. That corresponds to a military regulation that information about such events, typhus cases in military installations, was to be sent as secret matters. That is what I read from it.

Q. General, your reference to paragraph 4 here, I put to you, is just a little bit childish. Four reads:

"The report of 21 June 1944" -- which obviously is a report by Haagen sent in to the Luftwaffe -- "The report of 21 June 1944 in which the investigations at Natzweiler are mentioned should have been sent as secret. In the future this procedure is to be followed."

I interpret that to mean, General, that Kent was telling Haagen that with these artificial infection experiments on concentration camp inmates at Natzweiler he should send in only secret reports.

A. I can only repeat what I have already said before, that I do not know this matter. This correspondence took place at a time when I was on a business trip in Italy, and my chief and my representative

at the time took care of it. The funds were assigned; that was his authority. I received no knowledge of it later, and here, in September or October, it was shown to me. Everything that I say about it I only construct from the words which are before me in the report. The only one who might be able to say anything about these matters would be Rose, who is surely acquainted with the background of this report.

Q. But, General --

A (Interposing) And Becker-Freysing cannot be called upon here, in spite of the number at the top, "55", because this is a hygiene report on typhus, which he dealt with only in the course of business but which, from a medical point of view or from a technical point of view, was handled by the Hygiene Section, or with the aid of Rose.

What I say here is merely a construction from these statements given in these reports.

Q. General, was Haagen's research assignment by the Luftwaffe classified as secret?

A. No, it was issued as an open letter in 1941 or 1942. It was not issued by me; it was before my time. As I said yesterday, in the case of such research assignments which could not be completed in one fiscal year by virtue of their contents, funds were assigned only to the amount that would be needed in the current fiscal year. When they had been used up, then new funds were assigned in the next fiscal year. In the course of assigning these new funds, this assignment was renewed. That is the reason why I had no knowledge of this letter. The assignment of funds as a new assignment, especially if it was on a large scale or very important, I had reserved for myself. The assignment of funds as an extension, or the renewing of existing assignments, I had turned over to my chief of staff. This is only a matter of a business dealing with a current matter which did not require any decision, and I didn't want my absence from the office on official business to delay such assignment.

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My chief of staff was the only person in the office, aside from me, who could dispose of money to any large extent. I didn't want my absence --

Q. (Interposing) General, all I asked you was whether his assignment by the Luftwaffe was secret. I don't think we need to get a long speech about that. Your answer is that it was not secret; isn't that correct?

A. No, the documents show that it was open.

Q. And what conclusion do you draw about that fact that it was not secret; that therefore it couldn't have had anything to do with experiments on human beings?

A It was production assignment for typhus vaccine. It was an assignment to develop laboratory production to such an extent that it could be applied to large scale production. That was not a matter that required secrecy.

Q Well, will you draw the reverse conclusion? Would you draw the reverse conclusion if it were, in fact, secret?

A I don't know. I can only reconstruct that. My office did not order any human experiments in the sense in which they are mentioned here.

Q Well, let's have a look at Document NO-93h, and I think we will be able to conclude that these were really secret assignments, General.

This is Document NO 93h. It is offered as Prosecution Exhibit 458 for identification.

Now, General, let's tell the Court what this document is first. This is a list of medical research commissions of the OKL, Chief of the Medical Service of the Luftwaffe, Seelow, near Berlin, Postoffice Lössen-land, and so forth.

A That is a list, as the heading shows, of the medical research commissions which my office and the authorities in charge of research issued in the year 1944--I don't see the date, but that is what I would surmise--which were going on at the time. It must be from 1944.

Q Yes, it is bound to be because, first --

A Yes, that is shown by the fact that it says "OKL, Chief of the Medical Service." That shows that it was 1944. My title was changed from Director to Chief only in 1944.

Q And it also has a note here, Staatsarzt Dr. Jockur-Freyberg, is it?

A Yes.

Q Now, let's turn to page 6 of the original document. It is page 7 of the English translation. Do you find "Hygiene", Roman Numeral VI, there? It must be on page 6 or 7.

A On Page 7 of the German.

Q Do you find that?

A Yes.

Q Hygiene. Item 2. "The manufacture of typhus vaccine. Secret. Hygiene Institute, Strassbourg, Oberst Haupt Professor Dr. Haagen."

A It, as well as the next one, "Manufacture of Yellow Fever vaccine", is a contradiction. In the other list they are given as open.

Q The only other list is the little letter by Haagen to the Director of the University of Strassbourg, as I recall.

A Yes. There they are both listed as open, and here they are given as secret. Perhaps Becker-Freytag can explain that, whether that was a typing mistake or why there was this discrepancy. In any case, there was no high degree of secrecy. They are "Secret", not "Top Secret". Other things are listed as "Top Secret".

Q Well, it might, of course, be just a possibility that it was classified "Secret" because later in 1943 after Haagen's letter to the Director in which it was not noted as being "Secret", he started his experiments in Metzweiler, which he continued through the year 1944, so Becker-Freytag in 1944 marks that down as "Secret". That is one possibility, isn't it, General?

A No, I don't believe so, because the extension in August 1944 that you were just discussing was an open letter. The extension of this vaccine assignment of 29 August 1944 was an open letter. It was not "Secret".

Q Well, I say again your Chief of Staff Kant in his letter to Haagen admonished him to keep his report secret, didn't he?

A That was about cases of typhus. That is something else.

Q "Investigations at Metzweiler" is what it says, General.

A I don't know the report. I can't say.

Q Let's move on to son water.

A The date is not given in the list either.

Q Let's move on to son water, General.

A Very well.

Q When did you first become interested in the Schaefer process, as against the Barker process, of making sea water drinkable?

A As I said yesterday, in the beginning of May 1944, when Professor Struckholdt for the first time told me of this solution of the sea water problem by Schaefer.

Q What animal experiments had been conducted prior to that time the Barker method?

A I don't know the experiments as such.

Q You testified that you tried to have the experiments on human beings carried out in a hospital at Brunswick, and you remember you contacted the commander of the hospital on 1 June 1944, because you remember quite remarkably that his promotion came through on that date?

A Yes.

Q Did you--

A Otherwise, I would not know the date's well.

Q You say you also contacted the Luftwaffe Medical Academy about this time to see if cadets could be made available. Now, when did your contact with the Medical Academy take place.

A I said in connection with the Hagen business that I was on an official trip in France, and in the last days of May I returned to Berlin--about on the 27th or 28th; I don't know exactly, but it was around that time. In the meantime all the discussions which are shown here by the documents took place. I was told about it, that these experiments were planned. Then I established contact with the officer, first, the Medical Academy. Presumably that was on the 29th, 30th, or 31st of May, at the latest.

Q That is sufficient, General. I don't want you to go through it all again. I am just interested in the dates right now. I therefore conclude that you did not consider going to the SS for experimental subjects until after you had exhausted those other possibilities; is that right?

A Yes.

Q Now, when Struckholdt brought this problem to your attention

early in May before you went on your inspection trip to France, did you then tell Becker-Freyseng to look into this matter, to find out what should be done, and to attend this meeting on 19 May 1944, where this matter was discussed?

A That is a complete distortion of the facts. That is not how it was. In the first days of May I heard from Struckholdt of the Schaefer process through Struckholdt, and, as I have said several times, I looked at it. In the Institute Schaefer demonstrated it to me. Then I heard of the Becker process, and the next thing, the discussion on the 20th or 21st--whenever it was--that took place when I was not in Berlin, and the things were dealt with and discussed in my absence, but I should like to add the following: This part would have taken place in exactly the same way if I had been in Berlin. It was not customary and certainly not necessary for my experts to inform me about every conference which they were to attend beforehand. That would have been quite impossible. These things were settled in the various sections by the heads of the sections. I had older, sensible people there. They sent the various experts to the meetings, and then if there were any results about which I had to be informed, then there was still plenty of time to inform me, and that is how it happened here, only that I was not there at the time, but it took place in the same way. When I came back, the section chief and Becker-Freyseng reported to me and told me about this question and what had developed in the meantime.

Q General, let's look at the minutes on that meeting. This is Document NO 177, Prosecution Exhibit 133. Now, if you say there was no intention of going to the SS until after you had exhausted all possibilities for obtaining experimental subjects elsewhere, perhaps you will be good enough to explain to the Tribunal why a copy of the minutes of this meeting was sent to the Reichsfuehrer SS.

A. I cannot answer that. That is asking too much. This letter was sent by the technical office, by a person who was not a doctor, it was a technician. It was drawn up without the help of my office. It is a report of the meeting put down from memory and was worked out on the responsibility of the technical office. Why they sent it to the SS I don't know. I think a certain conclusion can be drawn from another document which I have seen here in the interrogations. This shows that the technical office had offered this Berker method, this Berker drug, to the SS. There is a letter in which the SS or some office of the SS is offered a sample. It is said that it is a drug which the technical office had developed in the meantime and they might introduce it, and they are sending sample. That was sent to the SS, and so I can imagine that the person who worked out this report said that such a thing --- this is not introduced as quickly as this letter to the SS said, and he simply sent the SS a copy of this report. That is how I reconstruct it. I wasn't there.

Q. And you just knew no place to turn to get volunteers for these son of a bitches experiments except Dachau, is that right?

A. After my own attempts had failed and the suggestion was made, I had no objections in accepting it.

Q. There were about four and a half million people in Berlin in 1944, weren't there?

A. Yes, something like that.

Q. Don't you think possibly you could have found 40 patriots among them and a safe enough place to carry out the experiments and have them done there in Berlin?

A. The men might have been found, but you are again forgetting what I have said several times, that we had friends, friends like this daily, and that there was no chance or opportunity to work in Berlin. Our own offices had moved out to

the suburbs. It was impossible to carry out any peaceful work in Berlin at that time. I had a hospital, a military hospital, in Berlin. I was able to see it there. No work could be done.

Q. Any law against experimenting on members of the Wehrmacht?

A. No.

Q. Isn't it a fact that you knew that these experiments were apt to kill somebody and you weren't interested in volunteers, so you went to the SS?

A. It is quite impossible. I would not expose the candidates of the academy or hospital patients to experiments if I knew that such things were even possible.

Q. Well, General, I don't mean to be over a noble with you, but isn't that exactly what this document NO 177, Prosecution Exhibit 133 says, just as clearly as it can be said in any language? This is a report on the meeting of 18 May 1944, and your man Becker-Freyson was there, together with Schaeffer, and it says that at this meeting -- I am quoting -- "Capt. Dr. Becker-Freyson reported on the clinical experiments conducted by Col. Dr. von Serrani and came to the final conclusion that he did not consider them as being unobjectionable and conclusive enough for a final decision." In other words, Becker-Freyson was saying that von Serrani's experiments with Barker were not realistic enough. They hadn't been carried out properly. And the report continues: "The chief of the Medical Service -- that is you, General -- is convinced that if Barker method is used, damage to health has to be expected not later than six days after taking Derkate, which damage will result in permanent injuries to health, and, according to the opinion

of Dr. Schaeffer, will finally result in death after not later than twelve days. External symptoms are to be expected, such as drainage, diarrhea, convulsions, hallucinations, and, finally, death." Now, General, as I say, I don't want to be unreasonable with you, but this report states on its face that, in your judgment, Barker, if used beyond six days, was apt to kill somebody. And I had suggested to you that under these circumstances you never had any intention of going anywhere except to Dachau; isn't that right?

A. No. First of all, this report was not written by a doctor or with the assistance of a doctor. It was written by a technician from memory. When the sea water complex is discussed, I ask you to question Becker-Freysong about it, who can give more information. Second, this expression "chief of the medical service is convinced ---" that is not synonymous with my person, according to the way we use the language. It means the representative of the agency who was there. Third, it says after six days damage to health is to be expected. Fourth, Schaeffer thought death could occur after twelve days. Against this, the clear and unambiguous instructions which I issued were to carry out the experiments only to the extent that no damage would result to health. That cannot be explained away. If with the Barker drug any damage had been shown after one or two days, it would have been the duty of the person in charge of the experiments to break off the experiment. That was true of the candidates in the academy, the patients in the hospital, and for the camp Dachau. I was not interested in finding out that people got sick from it. I can do that with the most harmless drug if I give an overdose. What was important was to establish what can be endured, what can be tolerated, to help these people in distress at sea. That was the purpose, not to establish what they could tolerate.

Q. Now, General, it seems to me to be pretty clear from this document that they outlined the experiments right there, because on the next

page it says, after talking about experiments to be carried out for six days it says, in addition to these experiments, a further experiment should be conducted as follows: two persons nourished with sea water and Berkatite and as diet also the emergency sea rations. Duration of experiments, 12 days. Since, in the opinion of the Chief of the Medical Service, permanent injuries to health as well as the death of the experimental subject has to be expected, as experimental subjects such persons should be used as will be put at the disposal by the Reichsfuehrer SS.

A. I have already said that this report did not come from my office. I did not work on it. It came from the technical office. Again I ask you to question Becker-Freyseng about it. You can see that I wanted to use the academy or the hospital first, and in any case, if it was to be said that way, I never identified myself with those experiments. I did them in a different way.

Q. You never even saw this report; is that right, General?

A. I saw this report for the first time here in Nuremberg. There was no reason at the time for it to be shown to me. Becker-Freyseng reported his opinion on these experiments. He didn't have to show me this report. He did not identify himself with these any more than I did. I heard later that he informed the technical office that there were serious mistakes and they should issue a correction. But he can speak about that himself. He is better informed than I am.

Q. Well, I was going to suggest to you, General, that you admit -- you must admit that on the face of it, this is an outrageous document,

and if it had been sent to me concerning anybody subordinated to me, I certainly would have seen to it that it was corrected, and I certainly would have insisted that my subordinate, such as Becker-Freysing was to you, bring such a document to my attention. But that didn't happen?

A I ask you again to question Becker-Freysing about this. He can tell you more than I can.

Q Now under Item 2 on Page 3 of the original, General, you can see that the navy wasn't even very much interested in these sea water experiments. It suited them if they had a water that would carry a man for three days. The Luftwaffe was really pressing for these experiments for twelve days. General, do you find that? It says, "In the opinion of the navy, the results obtained at the clinical experiments are sufficient since they are mainly interested in being able to nourish their man three to five days with the preparation." They didn't care anything about making any further experiments, did they, General?

A That is also an inaccuracy. As far as I know from later discussions with Becker-Freysing, this number, twelve days, comes from the navy, because the navy had a case of distress at sea where a drifting boat with survivors was found after twelve days. As in the Luftwaffe—the case which I mentioned yesterday with the six days and seven days was one of the longest. I think later there was one with eight days. He had this 8-day limit. This 12-day limit, to my knowledge, comes from the navy. That is another inaccuracy in the document. But I come back to the 3 to 5 days I was talking about yesterday. If the Becker drug had proved usable for a few days, then that would still have been a success. Then we could have used the other drug a little more sparingly. We could have used it a little less. He had raw material difficulties there.

Q General, let's look at the distribution of this document. First, it was sent to the information of the Medical Experimentation and Instruction Division of the Airforce, Jüterbog. Holzschner was attached to that establishment at Jüterbog, wasn't he?

A That was — Holzlochner was only— he was at the planning office at Jauterbog, yes, but I don't believe he was there immediately at that time. That was in May. He was certainly not there. He was in Kiel, holding lectures.

Q Look at the Institute for Aviation Medicine, DVL, Berlin, Adler-shof, which was troubling Dr. Sauter the other day—

A I explained that yesterday. That is certainly a mistake. The Ruff Institute had nothing whatever to do with this matter.

Q General — General, it is immaterial to me whether it was a mistake or wasn't a mistake. The important thing is that he got it, whether by mistake or otherwise. This says that it was distributed to his institute, doesn't it?

A It says so here, yes. I don't know whether he got it.

Q Now then, after Mr. Ruff got this and Mr. Holzlochner, or his institute, both of them had been quite active at Dachau themselves at an earlier period—did neither of them come to you to say, watch your step; things are bad down there; men were killed in the earlier experiments? You find that unnatural? You think that would be very strange that if Ruff knew they had killed three men down there, that the SS, as he says, sort of took things out of his hands, you find it amusing that I suggest to you that when he gets a report like this which indicates that the Luftwaffe is carrying out another experiment in Dachau with the SS, you find it amusing that I suggest to you that he should have talked to you about it? Is that right General?

A Nobody talked to me about it, neither Holzlochner nor Ruff. I said on another occasion that in the late fall I happened to see Holzlochner; and Ruff never talked to me about these matters. These implications I don't agree with.

THE PRESIDENT: The Tribunal will now recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 27 February 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

OSKAR SCHROEDER, R Resumed

CROSS-EXAMINATION (Continued)

R. MC NALLY:

Q Herr Schroeder, I want to ask you one additional question about the distribution of these minutes, that is Document NO 177, Prosecution Exhibit 177, the minutes of the meeting held on the 19th and 20th of May 1944 on the gas water experiments. I notice that in the distribution list a copy was sent to Luftwaffe Inspectorate 1A, 1st Abteilung, 2nd Abteilung, Gruppe 3, and then the initials KGB. Can you tell the Tribunal what persons received copies of these minutes?

A Roman numeral I was the first, was it not?

Q 1st Abteilung.

A Yes. That was the departmental chief at the time Oberstarzt Range.

Q How do you spell that?

A R-A-N-G-E.

A Yes, that is Oberstarzt Range.

Q Gruppe 3?

A Gruppe 3 and KGB belong together. That was the man who worked on the War Diary -- I think it was Oberstarzt Zerkohlen.

Q But you yourself never saw a copy of this document?

A No.

Q Did you talk this meeting over with Becker-Freydanz?

A He reported to me about this meeting when I returned from my trip.

Q He mentioned the points which were important for me, that is to say, the meeting was planned.

Q Did he tell you that he and Schaefer had reported on behalf of the Chief of the Medical Service of the Luftwaffe?



A He represented my agency and, therefore, they interfered in the discussion--this was part of their order.

Q Well, but you say Becker-Freyson and Schaefer reported to this that in their opinion Barker would cause permanent injury after six and death between six and 12 days. Did Becker-Freyson tell you that?

A That was not correct. They did not report that that was my opinion. It was the opinion of the man who worked on that record. It is the report of an engineer who from his memory wrote those things down. Afterwards this was my personal opinion. My personal opinion. My personal opinion was not a subject of discussion at all.

Q Well, now, Christensen and the other gentlemen from the Technische were not representing your office, they were representing the RLM.

A Becker-Freyson and Schaefer were the only persons present at this meeting representing our office and those minutes clearly state that it is the report of the Chief of the Medical Service of the Luftwaffe that Barker will cause permanent injury after six days. And it expressly states that Schaefer said it will finally result in death after not later than 12 days. Now I am asking you if Becker-Freyson told me that had been reported to this.

A I cannot say that now. Why don't you ask Becker-Freyson himself, he probably will be able to tell you more about. It was not my opinion on basis of my experiences.

Q It is rather important to know, General, whether this was reported to you and what your reactions was with respect to that report, because these were outline an experimental program to give experimental subjects Barker for 12 days. You don't remember that he told you that?

A No. In addition the duration of the experiment was not only initiated but it wasn't established in every way. I personally didn't accept that. I at first endeavored to perform these experiments on my own with regard to that record which I didn't know myself I didn't accept it at all.

Q Well, did you think in May and June 1944 that if Barker water was used for six days that it would cause permanent injury to the experimental subject?

A No, I didn't believe that because Barker water was identical, as far as I thought, with sea water. The adding of that Barker drug did not change the character of the sea water at all. The fact that was water with five or six days undergoes, or, rather, has as a result permanent physical damage. I could not confirm on the basis of my own experiences, which I at that time made in my capacity as Fleet Physician about this very point.

Q In other words, it is your considered judgment, as an expert, that even if a man drank sea water for six days that it wouldn't cause a permanent injury; is that right?

A That is correct, yes.

Q Did you talk this meeting over with Schaefer?

A No, according to my knowledge, no.

Q Did Schaefer tell you that in his judgment it would kill a man to take Barker water for as much as twelve days?

A It is possible he said that; I don't know. It wasn't the subject of discussion at all. Moreover, the directives to interrupt these experiments as soon as there was suspicion of any harm or personal injury to a person that was one of the basic conditions of the experiment.

Q We will come to that in a minute; right now I am interested in whether Schaefer told you that in his judgment it would kill a man to feed him Barker water for twelve days. I want to remind you of something you said in your interrogation of the 2nd of October. You were asked the following question: "Now, a question; I ask you to consider it carefully. Can you tell me here if Dr. Schaefer did not attempt, that in fact he omitted to call your attention, as head of the inspectorate of aviation, to the danger of the Barker method and to his report, but that he further attempted to convince you as his chief, and as a physician, that such experiments should not be undertaken in the concentration camp of Dachau." You answered: "Well, of course, he did not do. It was, to begin with, not his business." Can you tell the Court whether Schaefer came to you after this meeting and said "Now look, there is some mention of carrying out experiments for twelve days on concentration camp inmates at Dachau; as an expert in this matter I am telling you that that is going to kill them if you do it." Now, you ought to remember if he told you something like that; did he, or didn't he?

A Under oath I cannot say whether that was the case. Please ask him himself or let him report about it. For me it was quite certain that the experiment should only be carried out to such an extent as was possible without doing any damage to health.

Q I have long since asked him that question, and he insisted at great length that he told you; that he warned you; that he wanted no part of the Dachau experiments. Of course, you didn't know that when you were interrogated on the 2nd of October; and there you denied that he told you and that he warned you. Now, which position is correct?

A If Schaefer had testified to that here during an interrogation, namely, that he said something to me about it, I would believe him and wouldn't deny it at all; but I really don't know it any more; I have so much to think about that I can hardly remember every detail; that applies to me as it applies to every one else, but I am not going to deny that I made those statements. It doesn't make any difference to me because my view about the entire affair was very firm, namely, that the experiments only be carried out in the frame that didn't harm any persons and didn't cause any bodily injury.

Q Now General, you will recall that both Schaefer and Becker-Freyseng were asked about this at the conference in Nurnberg in October, 1942. Didn't they give you any of the details about what was reported on those Dachau experiments so you could go into these sea water experiments with your eyes open?

A No, neither one or the other told me even a word about it.

Q Now, between this meeting of 19 and 20 May, 1944, and the first of June, you scurried around and tried to arrange for these experiments at the Luftwaffe Medical Academy and at the hospital at Brunswick; that right, isn't it?

A Yes.

Q And then, after exhausting all other possibilities, you finally went to the SS, as it was said in the minutes of the meeting in May; that is right, isn't it?

A I am saying that I didn't know the record of that meeting; therefore, my decisions cannot have referred to any statements contained in record. My decision was based on my own views in that matter.

Q It is just a horrible coincidence, is that right, General --

A That is what you constructed of it.

Q When did you see Grawitz?

A I can only reconstruct that from the letters, since the last conference took place on the first of June, and the later information from me to Himmler was written I think on the seventh. I must have seen Grawitz before that; this could only have taken place between the first and the seventh.

Q Where did you see him; did you go to his office?

A Yes, the office of which I was a representative, the German Red Cross in Babelsberg. This was closer to where I lived and I had somebody to speak to at that time and that was the reason I went there.

Q How long did you talk to him?

A I don't know that any longer; perhaps a quarter of an hour, twenty minutes. I had no other subject to discuss with him than this and I dealt with it shortly, as I said, he and I, and I think it took about twenty minutes.

Q And you told him you wanted these sea water experiments carried out on dishonorably discharged Wehrmacht soldiers; is that right?

A Yes.

Q Did you tell him that you were limiting the experiments to this type of experimental subjects?

A No. I merely told him that as a suggestion since the selection of experimental subjects was a matter of the police; that wasn't my concern. Therefore, I couldn't really exercise any influence. That was the only thing in the entire experimental affair which was outside my influence. Therefore, I made this suggestion in order to get a number of people for the experiments who could be put on the same level as soldiers.

Q But you were willing to take anything that the SS handed you; the SS handed over to you; is that right?

A That wasn't discussed. Grawitz told me that he would represent this.

Q But you were prepared to rely upon the SS in producing these experimental subjects?

A I had no reason to have any objection or any doubt regarding it.

Q Well, General, if any of your associates who knew all about the experiments in Dachau during the high altitude and freezing experiments had whispered a word about it, there might have been very good reasons for you not to rely on the SS in this rather important matter; isn't that right?

A Well, how much longer shall I repeat here in order to establish that I hadn't known these things. Why should I have known them? Every opportunity I have emphasized that.

Q You say you thought that they only had these dishonorably discharged Wehrmacht soldiers and a social elements in concentration camps. What do you mean by a social elements?

A This word "a social" I only heard here in Nurnberg for the first time. No word as "asocial" was mentioned to Grawitz.

Q Well, who do you think they had in concentration camps other than dishonorably discharged soldiers?

A Already yesterday I emphasized that I, just like many other millions of Germans, didn't know anything about it. Here apparently I have to repeat that every few minutes. I only knew that Germans were kept in concentration camps; dishonorably discharged soldiers from the Wehrmacht or other criminals who did not deserve their sentence in the prisons, but in the concentration camp in order to be committed for the war effort, or furthermore, that politically unreliable people and many other Germans who anyway were not politically reliable were kept there too. This is what I knew about it; I already stated it here a few times. I can only say that I am here under oath and I have to say that — either you believe me or you don't.

Q Now, General, how did you get Grawitz to understand that these experiments had to be carried out on volunteers or not at all. Did you give Grawitz this understanding?

A I told him that there would be volunteers for that purpose if they would be given an improvement in their nourishment as a reward. I still know that every soldier is ready to put himself at the disposal for any special task if he would get any increase in his nourishment; that is in accord with the mentality of every soldier.

Q I think perhaps it is not necessary to go over your letter to Himmler of June 7th, that is document NO 185, Prosecution's Exhibit 134, but I would like to ask you one question. You stated "that direction of experiments shall be taken over by Stabsarzt Beiglboeck, civilian Professor Eppinghaus, Chief Physician of the Medical Clinic in Vienna. After receipt of the basic approval, I shall list by name the other officials who are to participate in the experiment." Who were these other officials who participated in the experiments, General?

A They were no physicians who were concerned with the question of clinical assistance; they were assistants; I don't know their names. They were considered in order to perform those scientific observations of the work which was performed. Perhaps Becker Freysong will be able to tell you more about that than I. These were merely technical assistants in order to perform exact observations.

Q I want to put another little coincidence to you, General, which appears in this letter as compared to the minutes of the meeting on 19 and 20 May, and that concerns this twelve-day experiment provision. I remember you said, "As the experiments on human beings could thus far be carried out for a period of four days and as practical demands require a remedy for those who are in distress at sea up to twelve days, appropriate experiments are necessary." Now do I understand you to interpret that to mean that twelve days or less, whenever the experimental subjects say they can't go on?

A Yes. It was intended to establish what would enable us to go to that limit, and the experiment showed clearly that with the Schaefer means, an unlimited continuation of that matter was possible. Whether, on the other hand, the drug didn't have that result and the experiment could not be continued beyond three or four days, that exactly was the question which had to be decided by that experiment. It was not intended that by forcible means the Berka drug should be established.

Q But, General, I dare say that if you were to rewrite this letter today, you would probably phrase that paragraph just a bit differently, wouldn't you, to make your statements now appear a bit more clear?

A I would have to see it in front of me in order to say something about it. I couldn't possibly state anything from my memory.

Q We will pass that, General. Do you still contend that the experimental subjects were volunteers?

A Yes.

Q Let's look at Document NO-179, Prosecution Exhibit 135. This is the letter of 28 June 1944 from Grawitz to Himmler including comments by Gebhardt, Glucks and Hebe on the experimental subjects should be and I want to call your attention to paragraph two where Grawitz reports the attitude of Glucks, and Glucks said: "Referring to the above letter we report that we have no objections whatsoever to the experiments reported by the Chief of the Medical Service of the Luftwaffe to be conducted at the experimental station Rascher in the concentration camp Dachau."

possible, Jews or prisoners held in quarantine are to be used." Does that sound like a very good expression of volunteer subjects to you -- "Jews and prisoners held in quarantine"?

A This is an inter-office correspondence of the SS which is not known to me and which I never received. As it can be seen from the distribution list, there are two copies, one which is available here and then there is another draft which probably remained with the office.

Q Now, General, let's understand the point. I am not contending the Prosecution isn't contending you received a copy of this letter, we are now asserting after all the evidence is in at great length that the experimental subjects were volunteers, and we are now interested in throwing some light on that question, and I am sure the Tribunal is interested in your understanding of the implications of this letter because it dealt with those persons who were, in fact, selected to undergo these experiments you sponsored; so let's forget whether or not you received it and just devote our attention to the letter itself and what it points out, and I will ask you if Glucks' comment doesn't raise a little suspicion in your mind since he suggests the use of Jews or prisoners held in quarantine -- maybe they weren't going to be volunteers, and maybe they weren't, in fact, volunteers?

A It doesn't say here that they weren't volunteers. This point being mentioned here at all. Even if I was to read it today, I would ask myself why couldn't there be any volunteers among these people if any improvement of nourishment is offered, and if the men in charge of the experiment would tell them that this experiment will have no harmful effects regarding their life and health -- as it was expressed in my affidavit -- so I really couldn't draw the same conclusion that you drew in a way.

Q In other words, you want to testify that if you had seen a copy of this letter at the end of June, 1944, you would have still gone along with the experiments, is that right?

A These are only conclusions which are constructed hypothetically and I can make no comment on them. Probably I wouldn't have done that. I would have approached Grawitz and asked him what the matter was.

Q Let's look at comment three by Nebe. He said, "I agree with the proposal to conduct experiments on prisoners of concentration camps in order to evolve the method for making sea water potable. I propose taking for purpose the so-called Gypsy halfbreeds. There are people among them who, although healthy, are out of the question as regards labor commitment. Regarding these Gypsies, I shall shortly make a special proposal to the Reichsfuehrer, but I think it right to select from among these people the necessary number of test subjects. Should the Reichsfuehrer agree to this I shall list by name the persons to be used."

Now, General, do you think that Mr. Nebe was gifted with such power that he could sit in Berlin and list forty Gypsies whom he knew were going to volunteer by name?

A I have no idea who Mr. Nebe is, what functions he holds. I said before that this was an inter-office letter of the SS, and I can make no comment on it whatsoever.

Q Doesn't that observation by Nebe indicate to you that maybe the Gypsies weren't volunteers?

A I really cannot conclude it. That is merely an assumption. Nothing is said about it.

Q And as I understood your testimony, you paid credit for this comment by Grawitz in this letter where he says to the proposal of the SS-Gruppenfuehrer Nebe to use Gypsies for the experiments: "I beg to raise an objection to wit: that the Gypsies being of somewhat different racial composition might possibly provide experimental results which might not apply entirely to our men. It would, therefore, be desirable if such prisoners could be used for these experiments as are racially comparable European peoples."

You take credit for that racial objection of Grawitz, do you, General?

A Well, this is merely my assumption from which I can conclude that he recalled that I spoke about soldiers. This letter was sent off about four weeks later, 28th June; that is probably four weeks after I had visited him. Perhaps he didn't remember the events exactly at that time. But this is an inter-office letter in the SS about which I really cannot comment. This is really outside my authority completely.

Q When did you learn that Gypsies were used in the experiments?

A I learned that when Beiglboeck sent the final report about the experiments to Berlin.

Q Would you have confirmed the experiments if you had known that before?

A After what I heard, these were people who spoke German who were included within the framework of the German population, and really no objection could be made. I can only repeat that the thought that foreigners were in the camps didn't come up at all. I only started to take these considerations into account here after knowing about the situation in concentration camps, but at that time I couldn't possibly have taken things into consideration of which I hadn't known anything.

Q Did you see Beiglboeck before the experiments?

A Before? Do you mean before the experiments? I spoke to him very shortly before the experiments, and I gave him my directives with a few words. Details were then settled between him and Becker-Fragsong.

Q Did you say anything to Beiglboeck about the experimental subjects?

A No. We only spoke about the matter as such. I am not quite sure whether the question "concentration camp" at that time was already established. Please, why don't you ask Beiglboeck himself? I don't know. If it was before or after the 1 of June.

Q You didn't say anything to Beiglboeck about making sure that German volunteers were used in the experiments?

A That was a matter of course. There was no discussion about it. This was no subject of discussion. There wasn't anything to be discussed at

Q Well, you didn't tell him that then?

A I don't know. I can't tell you that under oath. I know that that there were volunteer people, and I certainly did not say that they to be Germans because I didn't take any other possibility into consider at all and couldn't have said it. These are all reconstructions which came up later, but at that time weren't subjects of discussion at all.

Q Do you know whether Gypsies were recognized as Germans under racial laws of the Reich?

A As far as they lived in Germany, I thought that that was the case. I never had any thoughts about it.

Q General, do you think that Gypsies were recognized as good Germanic citizens? Is that right?

A At any rate, we in the Wehrmacht had people who were Gypsies. read a decree about it. I still remember that. There was something about Gypsies in one of the regulations that were issued that I remember that name, in one of the regulations that were issued during the War.

Q Then you are quite sure that Beiglboeck's instructions were that these subjects were to be given Berka water only until such time as they themselves said they couldn't take anymore?

A Yes.

Q The judgment about whether or not they could continue to take Berka water was left up to the experimental subjects, is that right?

A The judgment in the first line lay with the Doctor. He was the one who had to determine whether there were any injuries. That was his responsibility.

Q Well, doesn't that change the thing just a little bit, if Beiglboeck concluded that the experimental subject could continue for up to seven days, after he had said I can't stand it any more, why Beiglboeck could go ahead under your instructions. Isn't that right?

A Will you repeat please? I didn't quite get it.

Q I recently understood you to say that the judgment about how far the experiments should be continued was up to the doctor, that is, Beiglboeck; you had previously stated that your instructions were that the experiments were to go on only as long as the men themselves agreed to take the water. I am trying to put it straight. If in Beiglboeck's judgment the men could continue to take water for another two days, did your instructions permit Beiglboeck to go on?

A The thing was intended in the following way: Beiglboeck was to speak to the people and ask them whether they could continue for another day and if after a personal conversation with them the people were interested in keeping up for a little longer than they could. That's how I understood it. But the responsibility whether any harm came about always rested with the physician. Any harm or injury had to be avoided under all circumstances. That was a directive.

Q As I understand it you can't really us with any of the details of how these experiments were carried out, that is, how long they continued, how much water they gave them, how much Doria Water, how much Schaeffer water, how much sea-water, etc.?

A No. After this basic outline for the experiments had been given by me I had to leave the execution of the experiments to those who were responsible for it. For that reason Beiglboeck had been selected by suggestion of Eppinger in order to have a reliable experienced physician carry out that work and a man who would assume the responsibility. This, as I said yesterday, a superior has the duty to select a man for any work, whatever it may be, even in experiments, a man, who in accordance with his pre-education and other qualities can really assume the responsibilities for any such work. I couldn't possibly do that from Berlin.

I couldn't possibly assume responsibility for that work.

Q Now, you got a report on these experiments, a verbal report, in a bunker in Berlin in the Fall of 1944, didn't you?

A Yes.

Q Who gave that verbal report?

A It was a report about the experiments but the entire experiment -- Beiglboeck, that was after he concluded his series of experiments -- after he concluded all of the laboratory work which was then carried out. At the end of the conference Beiglboeck made a summary report and gave his report in the shelter -- in the bunker near the zoo and I have now -- I think it was somewhere about October. Previously I thought it was earlier. I have a vague picture when this discussion took place but I couldn't define the date.

Q I said "verbal report," general, not Berka.

A Verbal report, yes. A verbal report about the entire experiments, Schaeffer, Berka and all of the others.

Q And did Beiglboeck also make a written report?

A Yes, I heard that but I don't know about it. It was probably like the same as the verbal report.

Q Now, who heard this report in the bunker in October 1944 besides yourself and, of course, Beiglboeck?

A Buchner was there, Becker-Weysberg, Schaeffer, I think was there, and then there were these gentlemen who are recorded on the record and who belonged to the technical department. I don't know their names and I don't know the gentlemen personally but some of them were present. Altogether, I think 15 persons were there.

Q Didn't this report by Beiglboeck tell about the experimental subjects suffering drainage, diarrhea, convulsions and hallucinations?

A I really cannot tell you that. I don't know it. I didn't read or hear the report in its entirety. I merely took note of the conclusion which I was particularly interested, namely, that the Berlin procedure was not in compliance with what we had expected and that, on the other hand,

the Schaeffer procedure had to be successful. That is all I really heard--that very short statement. I think that I asked him the those experimental subjects were and then for the very first time I learned that they were Gypsies. That is how it came about and my participation was really very superficial.

Q I understood your testimony that you were only at this report sitting for a very short time. Is that right?

A Yes, only for a very short time. This meeting took place at a Dunker Hospital near the zoo and I was supposed to attend an operation which was to take place at the same time. Therefore, I was very busy and went over to the operational theater in order to inform myself about something. I don't recall what it was.

Q You were just there long enough to ascertain that the subjects were volunteers and that nobody had been injured. Is that right?

A Yes.

Q Generally, did you regard as criminal and inadmissible a medical experiment carried out upon a non-voluntary subject?

A This point has repeatedly been discussed. I don't think it is correct to use non-voluntary subjects with reference to sea-water experiments. I only explained yesterday or the day before that I stressed the necessity of the voluntary nature in that case, since the experimental subjects had to co-operate in the execution of the experiment, as I explained.

THE HONORABLE: I have no further questions.

RE-OPENING EXAMINATION

THE HONORABLE:

Professor, following the cross-examination of the particular I would like to put a few questions to you. When you were first questioned, that is, the end of September 1961, did you know already that you were an informant?

A You mean the 19th of September?

A Yes. I mean the interview conducted by the prosecution.

A. Yes, at that time I had been here for three days. I was a prisoner of war in the Camp at Dachau. From there I was sent to the Heuberg Medical Center in order to do some work there. From there I was taken away and the reason was given that I was to be taken to another place for 8 or 10 days in order to testify about something in aviation medical research. That was the only thing I knew before I came here.

Q. When, for the first time, did you learn that you were actually under indictment?

A. I think that was the middle of November when the indictment was served. I think it was either on the 9th or 10th of November.

Q. How were your interrogations conducted? Were the statements that you made put down on record or was the record only made up later?

A. Both of those procedures were taken. At first shorthand notes were taken, the record was later given to me for my signature and then on the basis of those records affidavits originated.

Q. How did these affidavits originate?

A. They were drafted by the prosecution and formulated as excerpts from the various interrogations. They really didn't constitute our own words, and therefore were not always in accordance with our usage of the language. As can be seen here now the usage of the language is not used as we used it in dealing with authorities. Whenever we objected to that procedure we were told that later we would have sufficient opportunity to state our opinion about it verbally, so under these conditions we always signed our name. Now, of course, the situation is somewhat different.

Q. Were you interrogated in the German language?

A. Yes.

Q. Or did you think that you knew English so well that you didn't have to speak German?

A. No, I know very little English at all.

Q. When asked, and I think you will remember that you were asked whether you didn't state that the Rascher rewarming system was a scientific result, and I am asking you now, was that the only scientific result, scientific achievement which you stated, or did you state any more than that?

A. Yes, but now you are not talking about the interrogation here. That was in England. That was an interrogation -- I must say that I was a prisoner of war in England twice, once in June 1945 and then again in the fall. I remember that in June 1945, and I referred to that yesterday, I was questioned by a commission of higher medical American officers, and among a number of detailed questions there was this question too; namely, what medical scientific results did I think were the most important, that is, scientific results as gained by the war.

I think that was the formulation, and I then listed a number of details from surgery, internal medicine, et cetera -- I think there were about five, six or eight results. I remember exactly that I listed the 33 preparations on top which were of great importance, then a number of others, and among other things was the Rascher rewarming process. I think this was among a number of points.

Q You said during your interrogation yesterday that in May 1944, you had heard for the first time of a research institute in Dachau. Did you know that an institute for military scientific research had existed in Dachau?

A That isn't expressed correctly. When, at that time, the question of experiments was discussed the necessity of procuring laboratories where the investigations could be carried on played a predominant part. There would have been a possibility of conducting experiments at the Academy, or at the hospital at Braunschweig, and my question was whether that would also be possible in Dachau, since there weren't any laboratories, and I was then told that laboratories were available there, and I think then the institute was meant.

Q After you had spoken to SS physician Grawitz at that time were there any more discussions between you or any SS agencies, or were you still in contact with the SS in questions of sea water?

A No. I already said yesterday that this entire complex included two points as far as I was concerned; namely, at first the introduction, the talk to Grawitz and my letter to the Reich Minister of the Interior, and then the execution of the experiments in Dachau. Whatever lay between I don't know because it wasn't within my sphere of competency.

Q Now, we again come back to the report regarding Seenet and Winternet, sea emergency and winter emergency. You said that according to your recollection this report had been submitted to you in the spring of 1943. At that time how was the situation at your agency as air fleet physician? Wasn't it clear at that time already that there was a defeat in Africa and weren't there any shadows, so to speak, to be seen at that time with regard to the entire situation?

A The assumption that this report was received in spring 1943 was truly reconstructed by me; namely, because I thought that since this report had to be printed and its completion took a few months, I guessed that it was spring 1943, and at that time there was great military unrest. At that time, around Christmas, Tripoli had been lost. Then there were

ports at Tunis, and we continually had worries regarding that territory, I was quite sure of that. It was a time of extreme tension.

Q And I now come to —

DR. MARK: Mr. President, my attention is being drawn to the fact that a mistake was made which would disturb greatly. The witness Schneider was saying Rasche Wiedererwärmung. However, the translation was Rascher's Wiedererwärmung; namely the rearming of Dr. Rascher.

THE WITNESS: Yes, the technical word was quick rearming, and not Rascher rearming.

DR. MARK: I beg you to excuse this interruption.

Q Professor, you were saying that you had never read or heard of the names of Rascher and Finke. Rascher and Finke were only small persons of the reserve with the Luftwaffe?

A Yes, they were two of the nine thousand. I had altogether nine thousand medical officers, and there were about six or seven thousand staff officers among them.

Q These names did not mean anything to you?

A No.

Q This Dr. Rascher would never have come into appearance as staff officer of the reserve if he hadn't established any connections with the SS?

A Yes, probably that would be the case.

Q I come now to a question with reference to Professor Kalk. Professor Kalk was consulting expert on internal medicine with you?

A Yes.

Q Did Professor Kalk ever approach you with a request or information that experiments on human beings were to be conducted with regard to hepatitis?

A No, he merely approached me in order to maintain a possibility of having a sick station with hepatitis patients under his supervision. I put a hospital at his disposal where he could continue to observe hepatitis patients. We were merely concerned with observation of sick soldiers.

Q Then a few more questions in order to clarify some points. You said before that your consulting surgeon, Professor Buorkle de la Camp, had participated in the meeting of consulting physicians where sulfonamide was discussed?

A Yes.

Q Would you please try to refresh your memory and say whether that is correct or whether you might be mistaken?

A I don't think I was mistaken because I attached great value to it; but Buorkle took part in these conferences.

Q Will you please repeat, when did it take place?

A Yes, in the year of 1943.

Q Was it in May?

A Yes, I think it was May, 1943. Yes, yes, now I remember he couldn't have taken part at that time.

Q Why not?

A Because that was the time the Africa front had collapsed. Yes, now I remember, he was intended to take part and I think it was thought that he would hold a lecture, but then of course the events took place in Africa and there was a transport to the rear of six or seven thousand wounded from there, and at the last moment I had to stop. Yes, I am quite sure now, it is quite out of question that he took part in that meeting. I am sure he took part in 1942 though.

Q Was he in Italy with you at that time?

A Yes, he was always with me as long as I was air fleet physician.

Q Professor, what does it mean when a military letter was signed with i.a. - by order? Does that mean that this letter is based on a special order or was this always done in accordance with a general order or was it referred to any agency? Could such a signature be made in accordance with a general authority or was a special order necessary in every case?

A In Germany after the first world war a new custom crystallized among various agencies. I think we could use the example of a ministry,

that the letterhead was always the Reich Minister of Aviation or Ministry of Aviation; or during the war the Commander-in-Chief of the Air Force. Whenever anyone signed that letter it could really only be the person who was the Reich Minister for Aviation. Since, of course, that was impossible everyone who was authorized, for instance, chief of transport system, communications, medical chiefs or whatever it was, had to sign this letter, by order - i.e., so that all ministerial correspondence was the very same form - Reich Minister So and So, and underneath i. e. - by order, Chief of Communication Service, Chief of Transportation Service or whatever agency it may have been, and within the agencies it had been established who actually had authority to sign any letter.

Q. The prosecutor put a question to you, what knowledge you had of concentration camps and you stated two names, Branienburg and Dachau?

A. Yes.

Q. I'm now asking you -- did you ever listen to foreign news stations on the basis of which you could have gained some more experiences?

A. No; that was prohibited, and I, in my position, adhered to this prohibition very strictly. Only very few people in the Luftwaffe were authorized to listen to foreign stations. I didn't belong to these people, and I adhered to that regulation very strictly.

Q. Do you know that inmates of concentration camps, before they were released had been obliged to the strictest secrecy under threat of death, or least retransportation into the concentration camps?

A. I didn't know that, mainly because I had no opportunity to speak with anyone who had come from concentration camps. That is why I have no experiences on the subject.

Q. Was it not true that there was a certain tension between the officers of the Luftwaffe and officers in the SS?

A. I had no contact at all with SS agencies, either during the war or later, or even during the time when I was medical chief. I didn't have such a connection nor did I seek it.

Q. In the country there was a general opinion that particularly the Luftwaffe tried to keep away from the SS?

A. Yes, there were certain tensions. Yes.

DR. KREX: I have no further questions.

DR. SERVATIUS:

Q. Witness, you spoke about a typhus control station, and, in that connection, you mentioned Karl Brandt, Rostock and Handloser. What did this control station for typhus deal with?

A. As far as I know it was merely concerned with the just distribution of typhus vaccine. Unfortunately we were not in a position to produce sufficient typhus vaccine.

Q. You don't have to explain it once more. Well, this office must have dealt with the distribution of vaccines?

A. Yes.

Q. Had the central station anything to do with research?

A. No.

Q. What was Karl Brandt's connection to this central office, as you spoke of it?

A. In my opinion he was informed since this lay within his sphere of jurisdiction as Commissioner General and had to be informed about the important questions of the medical service, and the question, what the distribution of typhus vaccines was, and to what extent it was available was, after all, a very important factor in the leadership of health.

Q. Who informed him about that?

A. That would have been a task of the armed forces Chief of the Medical Services, who, according to official regulations, was to keep him informed about all important questions.

Q. And to whom -- now, he was to be informed, would one inform him personally or would one turn to Rebeck or to the Department of Planning of Economy, or Economy and Research?

A. I think that one would have taken a memo sheet and would have written down something, some short notice to that effect.

Q. In other words, you don't know it.

A. No.

Q. Well, your statement that Brandt was informed by the typhus central station is an assumption on your part.

A. Yes; I only spoke of it generally.

Q. In your affidavit, which is Document NO-449, in Document Book 1, you said that Karl Brandt, among others, knew about the experiments of the Luftwaffe. Who informed him about it.

A. That is not quite correct, in that form.

Q. What was it?

A. A list was submitted here as a new document.

Q. Witness, please answer my question. I was asking you who informed him. Did you inform him?

A. No.

Q. Well, who did?

A. No. This list was committed to the agency of Rostock.

Q. Who made this list?

A. We made the list; yes. This list was given to the agency of Rostock in the way of a copy, and it was Rostock's task to see how far he wanted to inform Brandt.

Q. You say that the agency of Science and Research was informed by this letter?

A. Yes; they were informed by this letter.

Q. Was an information given beyond that?

A. No.

Q. Was any report being made about the individual experiments?

A. No; just as it was stated in that letter -- that is all.

Q. Generally you said that Karl Brandt knew about the experiments of the Air Force?

A. Yes.

Q. Well, is that correct in this general form?

A. No; it is not correct in that general formulation. This again is formulation which doesn't constitute my own words but which can only be seen by the affidavit.

Q. So then this statement is wrong?

A. Yes; in that form it is.

Q. Did Karl Brandt know anything about high altitude experiments?

A. I cannot tell you that.

Q. You don't know it? Does this, in any way, refer to cold experiments?

A. This statement can only refer to the time I was in charge of the office; that is, the beginning of the year of 1944.

Q. Now, we could still discuss the sea water experiments.

A. Sea water experiments were not mentioned in that list.

Q. At any rate, Brandt was not informed, was he?

A. No.

Q. How about the bus?

A. That was before my time and I can't tell you anything about it.

Q. Witness, then what is left of experiments which in any way could have been reported to Brandt first for information if you excluded those?

A. Well, there are a number of other things which are listed in the list that was permitted. I think about 80 such things were mentioned.

Q. Would you perhaps give us some such examples? -- Up to this point, no such things were discussed here.

A. Well, these things are not subjects of discussions here, but they are contained in that list. I only looked at that list and I looked at the points which were submitted to me for my special attention.

Q. Now, if you said that Brandt was informed and approved, as you said in your affidavit, this at any rate cannot refer to the four points which are the subject of the indictment here. Well, what do they refer to?

A. I really don't know.

Q. Did you want to correct your affidavit in that point?

A. The statement was made by me at that time, having in point of view that such a list -- the list that was submitted here today was also submitted to the office of Brandt. How they worked on it there later, who took notice of it wasn't really my task, and I hadn't to deal with it.

Q. Now, your statements are merely based on the fact that this list was sent on?

A. Yes; that's correct.

Q. Witness, you further stated that Rostock was Karl Brandt's wife's

A. Yes.

Q. How do you know the official position of Rostock, as it compared to Karl Brandt?

A. I know that because of conversations which I held with Rostock in his office.

Q. When were you there? Well, were you there frequently, or only once?

A. Well, it may have been twice or three times. I went there when I started in my office in order to have his acquaintance.

Q. And what was this advisory capacity intended for?

A. That was with reference to Rostock's task in his office -- some research, academics, various tasks which he was dealing with.

Q. Was it not merely an executive activity within the framework of his subordinate position?

A. Yes; within the framework of the orders as he received them from Brant.

Q. Witness, do you know the organization in the higher levels of medical administration? What I mean is, Rostock's position toward you, toward Handloser, etc.

A. Well, I think that, essentially, I know it.

Q. Do you know the changes that took place during the various periods of time?

A. Yes; approximately, I do.

Q. I once more submit to you the charts which you have signed as affidavits.

THE PRESIDENT: Before the counsel submits these documents to the witness, the Tribunal will recess for 15 minutes.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Dr. Seidl, counsel for the defendant Oberhauser, I would like to see you, Dr. Seidl, in my office at four-thirty o'clock, after the recess, Dr. Seidl, counsel for the defendant Oberhauser, Court will proceed.

BY DR. SERVATIUS:

Q Witness, I have had given to you two charts, NO-418 and NO-419 that is Exhibits No. 12 and Exhibit No. 13. These are two charts which signed as an affidavit. Witness, these two charts were drawn up at different times, the first one was November 1941 to December 1943, and, the second chart was effective 1 January 1944 until 1 April 1944. Witness, what is reason for these differences in time?

A A change of organization in the Aviation Ministry.

Q Yes. Does this distinction refer to the office of Karl Brandt which is at right of the top of both charts?

A No.

Q That must be excepted?

A Yes, sir.

Q Then the plan is incorrect to that extent?

A (Looks at charts)

Q Now you made a difference in the drawing of the office of Karl Brandt on the two charts. To what planned difference does the difference which you made apply?

A I may say that this drawing was only partly done by me. Other people had prepared it, and I had to put in parts of the Aviation Ministry.

Q Witness, then the plan does not affect the provisions in the office of Karl Brandt, is that true?

A No, that was only about the secondary purpose of this chart.

Q Witness, now one more point about these charts. If you look through the explanation there are various signs which are used, straight lines, dotted lines, and lines of periods, and hyphens, and lines of X's. There are also marks: first, organizational on the list of subordinates

organization orders and technical; second one is technical only, and the third one is technical. Will you explain the distinction that is made between technical specialized and purely technical. These are all signs which occur in Braniff's office?

A I can speak of the organization of this plan. The principal is of the sums of the lines -----

Q Witness, I don't need this explanation. You are only asked whether you can explain the difference in this distinction by means of chart?

A Yes, that is what I am trying to explain. The investigators in these offices were subordinate for the benefit of order, and I had to explain that was not so, simply; in the course of the conversation we set up this distinction, and these same plans are all in jointly and are correct, and that plain line across the ring, and so on, is to distinguish it, which I affixed to the strict subordination, and which was a rather loose relationship. That is what was pointed out. I said at the time that does not give the right impression, and would be correctly submitted only if one made an explanation of the said plan, otherwise, there would be a misunderstanding, such as we are explaining right now.

Q Then, the chart in itself is not clear?

A Yes, it is not clear; that is what I said at the time.

Q How about the distinction between technical and merely technical subordinates?

A No, that was the lack of clarity at the time, to give a true picture.

Q Then, it is not clear?

A Yes.

Q Now, will you please go to chart No. 419. Does the lack of clarity apply to that chart also?

A Yes, here again there is a solid line from Brandt to Handloser, from Handloser to Schroeder. When the interrogator interpreted that, Brandt gave orders to Handloser, and Handloser gave orders to Schroeder, that Handloser could dismiss Schroeder, and that Handloser gave orders to the technical office. That has to be cleared up in some way.

Q Now, witness, it was certainly clear that he was your superior?

A Yes, to me, but not to the interrogator.

Q You, as Generaloberarzt, if you have a Generalarzt as your superior? Was that customary in the Wehrmacht, for a Generaloberarzt to be under a Generalarzt?

A Yes, you are speaking of the old rank, are you not?

Q Generaloberstabsarzt and Generalarzt?

A Yes, the Generalarzt was the lower rank, the higher one was the Generaloberarzt.

Q Then, it is not possible to go the other way around?

A No.

Q Please look at your chart, at the top there is a solid line.

A Look at the chart and you will see that the superior you have, Generalarzt Hestack; isn't that right according to the chart?

A That was something that was crossed out; that was one of the mistakes that was made there.

Q But, looking at the chart here, witness; that must be correct then?

A Yes, that was one of the things that had to be explained.

Q Then, as far as Karl Brandt's office was concerned these two reports are valueless?

A Yes.

DR. SEHWITZ: I have no further questions.

DR. KRAUSS (for the defendant Rostock):

Q Professor I refer to No. 8 of your affidavit of 25 October 1946, that is document No. 449, Exhibit 130. This paragraph refers to your statement about a knowledge of Karl Brandt, Handloser, and Rostock on various things. You have already testified that this statement is not an exact reproduction of what you said, and in particular what you intended to say. In view of this fact, you made a correction in the affidavit of 27 January 1947; that is, Rostock's document No. 11, Exhibit 10. I shall show you this affidavit and I shall ask you briefly to confirm whether it is correct.

(The affidavit was handed to the witness.)

A Yes, that is right.

Q I thank you.

DR. KRAUSS: Mr. President, I have no further questions.

DR. TIPP (for the defendant Becker-Freysing):

Q Professor, I have a few questions to put to you. During the direct examination we have discussed the position of Becker-Freysing on your staff. At that time you described the position as a technical expert, and you answered my question by saying that Becker-Freysing was not your advisor in questions of general research. In the examination by the Prosecution, this question came up again, and your answer confused the clear state of affairs somewhat. Therefore, I want to ask you: Was Becker-Freysing as referent, as technical expert, your advisor? I emphasize your only advisor on the questions of high altitude research and on research; that is, on the Luftwaffe research in general?

A Yes, as I already said.

Q Was Becker-Freysing your advisor or your only advisor in other

fields of research?

A No.

Q Very well, thank you. Then, I should like to ask you some questions about the problem which was discussed last by the Prosecution, that is, sea-water experiments. First, the question which is very important: What persons were to be used as experimental subjects? You said that you were thinking of soldiers who had been sent to a concentration camp, and also very briefly you mentioned a soldier unworthy of bearing arms. Can you tell us, if not, please answer the question in the negative, how does a soldier lose his worthiness to bear arms?

A Through the judgment of a court.

Q Only through the judgment of a court?

A Yes, not by any other way.

Q Then, if you spoke of soldiers unworthy of bearing arms, you could only think of soldiers who had been regularly condemned by a court martial; who had lost their qualifications for bearing arms and had been sent to a concentration camp?

A Yes.

Q That was the kind of soldier you were thinking of?

A Yes.

Q Now, very well, another question about the sea-water problem, which is connected with what the Prosecution said today. You have already said why the sea-water experiments were necessary. This question was not brought out as clearly as I should like to have it brought out for my friend Becker-Freyson; therefore, can you briefly, in two sentences, say why, to clear up this question, experiments were necessary at the time. The question was: Can the Berka process be introduced or must we use the Schaefer method of procedure? Why were these experiments necessary?

A The experiments were necessary because among scientists there was no agreement on the two procedures, and no agreement could be reached. Therefore, the application of the Berka procedure was carried out. By the experiments the problem was cleared up by experiments; that the inter-

action of the Berke procedure, at least, for a matter of days, in case of a distress at sea would be possible, in order thus to save the raw materials which the Schaefer procedure would use in large quantities.

Q Then, the Berke procedure had technical advances which made its introduction desirable and your office, however, had objections or misgivings from a medical reason, and that leading specialists were of the opinion that your misgivings might not be justified?

A Yes.

Q Then, the experiments were definitely necessary?

A Yes.

Q Now, one little question which came up in the examination of the Prosecution today: This was on your orders, your instructions, who decided when the experiments with the Berke meter were to be stopped and had to be stopped. Was this decision up to the experimental subjects or the person, that is, the doctor in charge of the experiments?

A The subjects.

DR. TIPP: Mr. President, I have no further questions.

DR. FLEMING (for the defendant Murgowsky):

Q Professor, in the cross examination you were told of an interrogation in which you said the position of Murgowsky in the Waffen-SS was the same as that of Rose, and with me. In another place in your interrogation, you said that you did not know Murgowsky. Is the latter true?

A That is true.

Q You also said that you had no inside information as to the organization of the Waffen-SS; is that true?

A That is true.

Q Then, you had no exact knowledge of the position and activities of Murgowsky?

A I know it only from regulations which said at the bottom, the distribution, which also had the Hygienic Institute of the Waffen-SS.

Q But, the activities of Murgowsky in the Hygienic Institute, you did not know any of the details?

Q. Now, from the type of claim against I believe that that was
more or less the same as the position of the defendant with us.

Q. Then I may understand your statement to mean that what you said
in your interrogation meant that you did not know, regardless of position
in detail, only on the basis of the information given in distribution
lists, and you assumed that his position was the same as that of Rose
with you and that answer in the interrogation was given on the basis of
this assumption?

A. Yes.

DR. F. L. KING: I have no further questions.

THE COURT: All right.

MR. GUSTAV STERNBERGER (for Defendant Wilhelm Beiglbach):

Q. Witness, you have said that your client Beiglbach reported to
you before the experiments began. Was this interview very long or very
short?

A. Very short.

Q. Did you not wish him to tell you how well the directives
from Goebbels and Dr. Mengele were being followed?

A. Yes.

MR. STERNBERGER: Thank you.

THE COURT: All right.

MR. HERBERT WHITE (for Defendant Gerhard Weiss):

Q. Professor, yesterday in the afternoon I asked you a few questions
concerning the position of your consultant, hygienist Dr. F. Rose with
reference to other consultants, hygienists at the German Reich, and I
referred to your affidavit under 10, and you said that with your
consultants Hans Loser and Rostek. Then in cross examination you told me
about the same questions and I have the impression that
the answer is not quite clear. Therefore, I should like to ask you
a question on the subject. I believe that you can answer it on the
basis of your knowledge of the facts and your own. Did Dr. Rose, as
the official hygienist, the official and technical hygienist, have

the right and the duty of supervision over Prof. Hagen in his capacity as consulting hygienist of Air Fleet Reich and as the person in charge of certain research assignments for the Luftwaffe?

A. You mean he had to interfere?

Q. Whether he had the right or the duty of supervision over Prof. Hagen?

A. No.

DR. FRITZ: Thank you.

ALL STAND.

BY THE TRIBUNAL (Judge Sebring):

Q. General Schroeder, can you tell the Tribunal briefly if you know by what military process or other military or governmental procedure Jehovah Witnesses, Mennonites, Quakers, or other persons in Germany who had been called or drafted for military service and who were conscientious objectors on religious grounds were placed in jails, prisons, or concentration camps because of refusal to bear arms?

A. I can say nothing except what Pastor Jentsch said yesterday. At the beginning of their service if they refused to bear arms they were turned over to the court martial as far as they were in the Wehrmacht.

Q. And then in the Wehrmacht charges were preferred against them because of refusal to carry out orders of military superiors?

A. Yes.

JUDGE SEBRING: Thank you.

ALL STAND.

BY THE PRESIDENT:

Q. Witness, assuming a group of human beings anywhere from no more than a few to three hundred in number who were selected as experimental subjects for experiments such as we've heard of here, say by this experiment, for instance; and if you saw a list of these experimental subjects divided into groups and one of the groups was indicated as the control group, what would that phrase mean to you?

A In the form as you have just stated it, Mr. President, it would be control persons who were not subjected to any protective measures, such as the others were. The assumption probably was that the others were protected in some way by vaccination or something like that. The control group would be unprotected.

Q I understood you to say yesterday when you saw that phrase in some paper that came to you during the year 1944 that the phrase "control group" had not suggested anything to your mind. Possibly I misunderstood you.

A I do not know at the moment in what connection that could have been said.

Q The matter is clear to me now. I would also ask you, Witness, if I understand you to say this morning that if a person would drink seawater and nothing but seawater for a period of six days at least that that person would suffer no permanent harm.

A Yes, that is true. I gave an example of what I experienced in the Mediterranean. The man was adrift six days and seven nights.

Q During that time did he drink seawater?

A Yes. By accident the entire emergency equipment had been lost so that he could drink only what his environment brought him. That was seawater and a little dew which collected on the raft during the night.

Q Have you any information as to the quantity of seawater that this man drank per day or during the period?

A As a standard he took the cartridge case of a flare. They are of a rather large caliber; perhaps they would hold forty cubic centimeters. In the course of the day he drank from that from time to time. He tried to drink as little as possible. That's what he told me when I saw him two days later. But he drank several such cartridge cases full; two or three hundred cubic centimeters, certainly.

THE PRESIDENT: Is there any further examination of this witness?
Then the witness may be excused.

DR. REX: With the permission of the Tribunal I now call the witness Dr. Augustinick to the witness stand.

THE PRESIDENT: The Marshall will summon the witness Augustinick.

Dr. Herbert Augustinick, a witness, took the stand and testified as follows:

THE PRESIDENT: Hold up your right hand and be sworn. Please repeat after me the following oath:

I swear by God, the Almighty and Omniscient, that I will speak the truth and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. REX:

Q. Witness, your name is Dr. Herbert Augustinick?

A. Yes.

Q. When and where were you born?

A. On the 7th of April 1909 in Karlsruhe.

Q. Where do you live at the present time.

A. In Tauberbischofsheim.

Q. What is your profession now and what was it formerly?

A. Now I am an official physician with the Health Office.

Formerly I was a Wehrmacht officer.

Q. Were you an active officer?

A. An active Wehrmacht medical officer.

Q. You studied medicine and are a doctor of medicine?

A. Yes.

Q. When did you study?

A. 1929 to 1934.

Q. Now, will you please give the Tribunal a brief sketch of your career?

A. After the State examination in 1934 I was assistant for clinics in Dortmund and Karlsruhe until 1937. In 1937 I took maneuvers with the

Schraecht. On the first of October 1937 I became assistantarzt of the reserves. On the first of January 1938 I became an active officer in the Wehrmacht.

Q. Now, how were you employed in the Wehrmacht?

A. Until the beginning of the War I had various positions as troop physician.

Q. Were you always with the Luftwaffe?

A. Yes.

Q. Now, when did you come to the office of Generaloberstabsarzt Schroeder?

A. On the 26th of September 1940.

Q. And in what capacity?

A. As adjutant.

Q. How long did you remain in this position?

A. Until 30 April 1945.

Q. Now, will you please briefly describe to the Tribunal the position and duties of an adjutant?

A. Yes. The adjutant of the Fleet Physician is a close co-worker of the Fleet Physician. He must look over the incoming mail and present it to the Fleet Physician. Everything directly connected with the office has to be taken care of by the adjutant.

He must prepare his official trips. In short, everything that happens in the office -- he must work on.

Q. Were you usually present at discussions which Professor Schroeder held?

A. Not usually, but frequently.

Q. Now what else did you do?

A. I remained adjutant in the various theaters of War.

Q. Did you not accompany Professor Schroeder on his official trips?

A. Yes.

Q. Now was anything changed in your duties when you went with Professor Schroeder to the Medical Inspectorate in Berlin?

Q. Yes.

Q. How was that?

A. I became technical expert referent. Like all the other technical experts and consequently, we naturally did not work quite so closely together.

Q. But did you not continue to be in close contact with Professor Schroeder?

A. Yes.

Q. From then on how was the incoming mail dealt with? As long as you were adjutant you received the mail. Who received it now?

A. The Chief of Staff.

Q. What did he have to do?

A. He looked it over. He decided how urgent it was and he either dealt with it himself or he turned it over to the section chiefs or to the medical chief -- it depended.

Q. Did the section chiefs retain this mail or did they pass it on to the technical expert?

A. The section chiefs looked the mail over and then gave it to the technical expert?

A. The section chiefs looked the mail over and then gave it to the technical expert to be dealt with.

Q. Witness, now let us go back to the time when Professor Schroeder was Fleet physician. Can you give the Tribunal a brief description of the duties of a Fleet Physician?

A. The Fleet Physician is responsible for his Fleet. He was the supervisory medical authority. He was in charge of planning hospitals, he directed the hospitals, he directed the removal of the wounded, the replacement of drugs and dressings, and all such things.

Q. Can you tell me anything about the extent of the duties, first in the West, and second in the South, and then where the Fleet Two was used in the East?

A. The Fleet included 100,000 or several hundred thousand men. In t

at it included Air District Belgium, Northern France, and Air District Holland, Air District Six, and Air District Eleven. In the East it was the so-called central sector. In the south Italy, Sicily, Crete, and the North African area.

Q. How many men were in such an Air Fleet, the maximum?

A. I don't know exactly -- several hundred thousand.

Q. Perhaps you will speak of the time in the end of 1942 or in the spring of 1943, what was your office like then?

A. In the spring of '43 the coming collapse in North Africa could already be seen. There was a great deal of work of all kinds to be done. For the very difficult communication system we had to improvise and get along as well as we could.

Q. Witness, you just said that Professor Schroeder frequently went on official trips?

A. Yes.

Q. Was he often at the Medical Inspectorate in Berlin?

A. No, not frequently.

Q. How often do you think he was in Berlin?

A. How often he went to Berlin from the West I cannot say -- I don't know. From the East he went to Berlin once as far as I know. I think that was the beginning of November 1941. In the South -- two or three times.

Q. Well, then from the second area, that was from December 41 to December 43?

A. Yes.

Q. In your opinion he was there in Berlin two or three times?

A. Yes.

Q. Can you say whether Professor Schroeder ever represented Medical Staff Hq's?

A. No, he never did that.

Q. Who was the representative? The deputy?

Generalstabssarzt Heumuller, unless his chief of staff represented him.

Q. Between Professor Schroeder and the Medical Inspectorate in Berlin were there any close official relations?

A. No.

Q. Was there telephonic conversation two or three times a week with Hippke on one end and Schroeder on the other end?

A. No.

Q. Then if I understand you correctly the conversation was restricted to what was officially necessary?

A. Yes. That was true.

Q. Now, was Medical Chief Hippke ever at the office of Mr. Schroeder?

A. Yes.

Q. In Italy?

A. No not in Italy.

Q. Where?

A. In Russia -- Smolensk once.

Q. And when Air Fleet Two was in Sicily he wasn't there at all?

A. No. I don't believe so.

Q. Now what were the relations between Schroeder and Hippke?

A. It is alleged that there were very close relationship or friendship and comradeship and for this reason Hippke told Schroeder about everything that Hippke did.

A. That may have been the case formerly but as long as I was with Professor Schroeder, from the end of 41 on, in my opinion there was a definitely cool feeling between the two gentlemen. That was probably due to things which have nothing to do with this trial. I do not wish to discuss them in detail but I can confirm that there was a definite alienation. I can also confirm that this alienation had its effect on the office, too. And, any necessary telephonic communication with Berlin was limited to what was absolutely necessary.

Q You described the duties of an Air Fleet Physician. Now can you please tell us whether these duties included dealing with research questions?

A No. There was not the time or space. The fleet physician is a definite front position. It has nothing to do with research.

Q Did the Air Fleet Physician have any office which dealt with research questions?

A No.

Q Now, will you please say whether Prof. Schroeder or his office received reports about research work carried out by the Medical Inspectorate of the Luftwaffe?

A We received the memorandums for troop physicians. I believe that was the title, "Merkblaetter fuer Truppenaerzte", in which experiences were presented in a tone and extent adapted to troop physicians with units at the front.

Q Witness, you have said that from the Medical Inspectorate, that is, through Hippke, Schroeder did not receive any reports on research?

A Certainly not.

Q Can you say whether Prof. Schroeder in any other way received knowledge of research and experiments which were connected with the Medical Inspectorate?

A One should not assume that.

Q Is it not true that you personally would have had to know about

A Yes, I should think so.

Q Don't you think that Dr. Schroeder would have told you about it?

A Yes.

Q Perhaps you will remember that in October, 1942, in Murnberg, there was a meeting about distress at sea and winter distress?

A I heard about it later.

Q Was the office of the Fleet Physician 2 represented at this meeting?

A No, not to my knowledge, but I must add that from September, 1942 until January, 1943, I was in the Luftwaffe Hospital in Munich.

Q Were you sick? Were you a patient there?

A Yes.

Q Can you say whether Prof. Schroeder or his office received a report after the meeting about what had taken place there?

A A report?

Q Yes, I mean a report. Any information, any report from some one who had participated?

A That is hard to say.

Q Or, let us formulate the question like this. When you came back nothing was said about this meeting at Nurnberg?

A I don't know the time exactly but some time that was received.

Q That isn't what I want to know. I'm coming to that. But I mean, for example, whether at luncheon or supper it was discussed?

A No.

Q The Medical Inspectorate later issued a report of this meeting.

A Yes.

Q It was distributed to the higher offices of the Luftwaffe. Do you remember whether the office of Air Fleet 2 received this report?

A Yes, I believe that we did receive it. If I saw the original...

Q (Interrupting) Can you remember when that was?

A I can only figure out what time it must have been. It must have been in the Spring of 1943.

Q Why do you think that was the time?

A If I hear that the meeting was in October it always took a few months until such a report reached the troops.

Q Your chief said today that he read this report "Distress at Sea on Winter Distress" but he said it was only a very small excerpt. What was the situation? Let us assume it was in March or April, 1943?

A On 10 May 1943 Tunisia was lost. That is well known. When the Tunisian Theater of War was eliminated, in the days immediately beforehand, from the 5th to the 8th or 9th of May, we had so much work with removing the wounded from Tunisia that we had no time to do anything else. There were about 10,000 wounded over there.

Q Now, the Prosecution has shown us that Generalstabsarzt Schroeder read this report very carefully and that he must have noticed the names of Rascher and Finke which are given in a note at the end of this report. Did you read the report yourself?

A No.

Q Did the names Rascher and Finke mean anything to you?

A No.

Q They were Stabsärzte of the Reserve. Are you of the opinion that a Stabsarzt of the Reserve would have to be noticed by the Medical Chief?

A They might be. We had many Stabsärzte of the Reserve, who in civilian life, had a very high position.

Q But one could not have said that of Rascher?

A No, no.

Q If Rascher had been a famous scientist, then one might have noticed this name?

A Yes.

Q But if a man's name is Rascher and he happens to be a Stabsarzt of the Reserve in the Luftwaffe, then he is not a very important man, is he?

When did the fighting in Sicily begin.. Wasn't that May, 1943?

A No. Both sides had to consolidate first.

Q Can you say whether Professor Schroeder attended the meeting of consulting physicians in May, 1943?

A No, he did not.

Q You know that for sure?

A Yes.

Q He was in Italy, was he not?

A Yes.

Q And do you know whether he attended the meeting of consulting physicians in 1942?

A 1942?

Q Yes, 1942?

A No, he did not.

Q Where was he then?

A He was with the office then. He attended only one meeting. In 1944, I believe it was.

Q Yes, that is on the list.

Well witness, you have said that the office of the Air Fleet Physician received no reports about research connected with the Medical Inspectorate?

A Yes.

Q And that you consider it impossible that Professor Schroeder, in any other way, learned of research and experiments of this kind?

A Yes.

Q You conclude this from the fact that under the relations existing between you two he would have spoken to you about it.

A Yes.

Q Now, did you yourself hear anything about experiments on human beings connected with such research on high altitude, cold and typhus questions?

A No, only now.

Q Did Professor Schroeder say anything to you about it?

A No. I heard that from a third party..

Q Now, witness, you accompanied Professor Schroeder on an official trip to Paris?

A Yes..

Q I believe that was in May, 1944?

A Yes.

Q Did you go to Strasbourg?

A Yes.

Q Now what happened. Was Strasbourg on the original plan or why did you decide to stop at Strasbourg and whom were you visiting - whom was Professor Schroeder visiting?

Q. The visit to Strasbourg was between the 20th and 30th of May 1944 two weeks before the beginning of the invasion. We left Paris in the evening for Strasbourg; because of the air situation we arrived in Strasbourg several hours late. If I remember correctly, we were to arrive at 6:00 in the morning, we arrived about 11:00. Then we visited the surgical clinic; that took about 2 hours. Then we visited an accident hospital in the city; that took about 1 hour. Then we had lunch. After that we visited Professor Hussenot at the Ear Clinic. Then we visited Professor Haegen in the Hygiene Institute then we went to the physical institute or some such institute. At 7:00 o'clock we left -- 7:00 in the evening.

Q. Then you were in the Hygiene Institute of Professor Haegen. Did you meet Haegen personally?

A. Yes.

Q. And what happened? Did Haegen conduct you?

A. Yes.

Q. Were you there? Were you personally always there the whole time?

A. Yes.

Q. Now will you please describe this visit to the clinic of Professor Haegen? Describe what took place -- what did you see and what did you talk about?

A. The visit to the Hygiene Institute took about one hour. Professor Haegen took us to the lecture rooms, the laboratories, the study rooms, and he also showed us an animal kennel. Because of the many trips I had been in a great many institutes. I had never seen such a large animal kennel. This was by memory. It was something I had never seen before. There were 6 or 10 cartons which were otherwise not used. There were very modern facilities for the animals.

Q. Now what was discussed?

A. The production of vaccine.

Q. And what else? Were the materials needed discussed?

A. If I remember right, we discussed the production of typhus vaccine. Then we had lunch.

Q. Did Professor Hargen say what else he was doing?

A. About the classes he held?

Q. No. Did he say anything about Matzweiler?

A. No.

Q. And then you took your leave after an hour?

A. Yes.

Q. Schroeder, after he had become Medical Chief, was he away from the office a great deal?

A. Not as frequently as before, when he was Fleet Physician; about 10 or 12 days a month sometimes.

Q. And for what purpose?

A. There were always difficulties to be overcome when hospitals were destroyed.

THE PRESIDENT: The Tribunal will now recess until 9:30 tomorrow morning.

(The Tribunal adjourned until 26 February, at 0930 hours.)

Official transcript of the American Military Tribunal in the Matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 26 February 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in the court room with the exception of Defendant Oberhouser who is absent due to sickness.

THE PRESIDENT: I have the certificate from the prison physician stating that Defendant Oberhouser is unable to appear in court today so she will be excused from appearance at the Tribunal and her absence will prejudice her case. I will file with the Secretary-General the physician's certificate.

Counsel may proceed.

DR. F. AUGUSTINICK - Resumed

DIRECT EXAMINATION (Continued)

THE PRESIDENT: The witness is reminded he is still under oath.

BY DR. AUGUSTINICK:

Q. Witness, yesterday we stopped at the visit of Professor Schramm to Strassbourg.

A. Yes.

Q. Please begin again and describe your visit to the Institute

of Eugenics. What did you see there?

A. We were conducted by Professor Haugen, he showed us the Institute. We saw the lecture halls and the usual university arrangements of the Institute. As I said yesterday, we saw the large animal stalls. The

visit I estimate lasted one hour.

Q. Were experiments on human beings mentioned in any connection with that visit?

A. No, I would certainly remember that.

Q. What was the subject of the conversation?

A. The subject of the conversation was the production of vaccine.

Q. Was the manner of production discussed?

A. Yes, it was the production of typhus vaccine from rabbit lungs.

Q. Was anything said about what assignment this was?

A. That may be but I do not remember that in detail.

Q. An assignment for the production of vaccine should have been issued in 1941 or 1942 by the Medical Inspectorate.

A. That may be.

Q. Do you know anything about that?

A. No, I do not know anything about it.

Q. While inspecting the institute of Professor Hansen did you see anything which might indicate experiments on human beings being conducted by Hansen?

A. No, in no way. It was a hygiene institute like any other.

Q. Then together with Professor Schroeder you left Strassbourg in the evening?

A. Yes.

Q. Now, did you talk to Professor Schroeder about the visit to Hansen and your impressions?

A. Oh, yes. In the train we discussed the impressions which we had gained during the day.

Q. Now what did you say?

A. The individual impressions which we had had from the various institutes, for example, from the Accident Hospital, from the surgical of Professor Zackschwerdt -- a few selected cases had been demonstrated -- then the way the animals were kept in the hygiene institute which was extremely modern and the animals were very numerous.

Q. Now, if Professor Schroeder had gained the impression that Professor Hargson or his institute was doing anything objectionable don't you think that he would have spoken to you about it at that time?

A. Yes, certainly. He certainly could have done that.

Q. Was it so that Professor Schroeder discussed things with you impressed him especially?

A. Yes, especially when Professor Schroeder was Fleet Physician, later at the medical inspectorate, not so much any more, as is easy to understand, but still quite frequently.

Q. You meant to say that as his duties increased it was no longer possible to keep the relationship so close because he was too busy?

A. Yes, and I was very busy too.

Q. Will you please tell us how Professor Schroeder acted towards you in the office and what was your general opinion of his attitude?

A. I was connected with him for a considerable time. I knew him especially well but to the other associates too, as Chief of the Medical Service, -- the number increased to 25 to 30 technical experts, -- he was always, I might say, a fatherly superior. He never acted like a military commander as was sometimes the case.

Q. When Professor Schroeder became medical chief, that was the 1st of January 1944, what did he say about his possible attitude if he was suspected of anything which he for his own pardon would renege?

A. He told me at the time that he personally would conduct his life in such a way as was demanded of a decent doctor, and in regard to things for which he could not take the responsibility he would combat them with all possible means. Moreover, in a discussion about the 10th or 12th of January at which all officers, non-commissioned officers and enlisted men and the female clerks were called together, he described his working program. He outlined his working program and then he expressed the limitations which I have just mentioned in a form which could be readily understood.

Q. Can you remember any statement that he said he would leave his position immediately, he would give up his office, if he were suspected of anything immoral?

A. Yes, he did not say that once to me but several times.

Court I

Q. Witness, can you tell the Tribunal anything about the attitude of Professor Schroeder toward wounded and sick persons?

A. Yes.

Q. Especially non-German nationals.

A. His attitude toward wounded persons was closely connected with his personal attitude toward the hospital system as such. All his efforts were devoted to the hospital system and the wounded.

As for his attitude toward foreign wounded, I can give an example. I know that on 8 September 1943 the Italian relationship was severed. My office was at Frascati, near Rome. The small town had about 9,000 inhabitants at the time. Between 12:10 and 12:40, at noon, there was an air raid. There were about 7,000 dead in the city. We lost 85 soldiers. I was buried by a direct hit, and I was not able to work fully. Professor Schroeder personally took care of the wounded in the city. He worked day and night to re-establish public life.

In addition, about two weeks later, just before Frascati, we had to take care of a prisoner camp in which there were about 600 American enlisted men and officers, 300 Englishmen, and 100 Italians -- altogether, about 1,000 men. These prisoners were from the islands of Salerno and Nettuno. There were about 200 wounded among them. I was more or less the only medical officer, with the exception of Professor Schroeder, and I was put in charge of the camp, and every afternoon I was there for several hours. There were cases which urgently needed stationary treatment. However, because of the destruction of our medical installations, there were certain difficulties in our old hospital and dispensary. He immediately had set up installations for the wounded soldiers. He personally supervised all this work, as well as my care of the wounded. There were two -- I don't remember whether they were American or English -- officers at the time when I was there rather well. One of the officers thanked me for the care, and the other one thanked me for the help for which.

Q. Any other things?

Part I

A. Yes.

Q. Did you know that Professor Schröder had an interest in the spiritual care of the members of the Luftwaffe and the civilians?

A. Yes, I knew that.

Q. How did he do that?

A. He had an important part in seeing to it that the Luftwaffe chaplain service was set up. There were considerable difficulties to be overcome, and he exerted his influence, and, in my opinion -- without orders, without instructions -- he took the necessary steps.

Q. Do you know the name Latze?

A. Yes. That was the medic who was in our office in Frankfurt am Main as priest.

Q. A Jesuit?

A. I don't know which order, but I know that he was a priest.

Q. He was a medic, and he was appointed as a chaplain?

A. No.

Q. But Professor Schröder, against existing regulations, made it possible for him to work as a chaplain?

A. Yes, that is true.

Q. Is it not true that he could have suffered for this action?

A. Yes, that would have been possible.

Q. I mean Professor Schröder?

A. Yes, I understand.

Q. Can you say anything about the political attitude, the ideology, of Professor Schröder?

A. Yes. Professor Schröder is a non-political person. He never joined the Party or any organization. After 20 July 1944 the opportunity to join the Party organization, he not only did not take any advantage of this opportunity, but clearly expressed his opinion that that was not the question for him and he hoped for the best for all.

Q. How did he feel about the events of 20 July?

Part I

A. He was so shaken and disturbed by all the excitement of this that he had to get a little time to think, and in the next few days he told us what he thought of the whole thing and how he felt he was at the decision of the court at the time. He did not watch his language, and he very clearly expressed his opinion of the court decision. One had to be careful; one had to restrain him.

Q. Was it not the fact that Professor Schroeder with his subordinates was very disapproving of the methods of the Party and the brutal execution of power?

A. Yes.

Q. And often in a way that was very bitter as for him?

A. Yes. The people that were in his statements were not always just our group of comrades. They were frequently guests from outside, and we never knew what such people would do with what they heard. We frequently had to ask him to be more careful in his statements, since he and the Medical Service would be in trouble if that went on.

Q. And how did he react?

A. He would hold back with difficulty, but he broke out again repeatedly. I can give an example of his inner attitude. His last son, Hans, was a valuable person, was graduating in high school, and in order to be examined, he had to perform his service in the Hitler Youth. He did so with a reluctant attitude and with inner reservations, so that he had difficulties in the Hitler Youth unit.

One day a 17 or 18 year old Hitler Youth leader came to see Professor Schroeder at his home and requested to see his father, Schroeder, and asked why he, as a father, did not see to it that his son should exercise his duty in the Hitler Youth. He said, "Hitler Youth Service is a duty, and you, General, must understand duty means." One can understand that for an old officer it was a very clear matter for such a young man. The interview was probably a long one.

Q. Do you remember that professor Schroeder once took the part of

Court I

witnesses, or people who refused to bear arms and were politically per-
secuted?

A. Yes, I know that.

Q. Will you please describe it?

A. One day Professor Schröder called us to give a Pastor Jentsch an
opportunity to speak to him unseen by the Medical Unit. This man was
preparing some work affecting the problem of Jehovah's witnesses and their
relationship with the court. This work was written partly in a room in
the officers' section and partly in my room.

Q Did he give Pastor Jantsch a room in his office in Saalow?

A Yes; it was my office.

Q Now, doctor, a few questions about the professional aspect. Did Professor Schroeder take a personal interest in operation and participate as a spectator, and did he not personally inquire about various individual wounded?

A Yes; when we looked at a hospital, a military hospital or a civilian hospital, it was not an inspection. We just looked at it. And his visits to the wards were medical visits, and I often had the impression that even a specialist was able to learn one thing or another from Professor Schroeder. And his visits to the hospital were extremely fruitful and enjoyable for everyone concerned. One saw all his love of the medical profession.

Q What impression did you have of Professor Schroeder's attitude toward the medical profession and toward medical ethics?

A Only the best opinion. I can only say that we always had the impression that he was an example to us in this respect, and as long as we were with the fleet we were often called for our fleet physician.

Q How about his care for the nurses?

A That was the second thing in which he took a special interest. The nursing personnel in the Luftwaffe were really selected in time, and, in the almost five years when I worked with him, I know of only one single case in which a nurse fell out of step and had to be dismissed with a warning. He took a great interest in the nurses and I can hardly remember an inspection, a visit in hospitals, or medical installations at the front where he did not speak to the nurses alone, at least briefly, and have them tell him their troubles and enjoyments.

Q Do you remember that Professor Schroeder, Holland or in Belgium, asked permission for non-German nurses to continue nursing?

A Yes; I saw that.

Q Where was it?

A In the Hospital Fraincais -- no, in the Hospital St. Jules, in Belgium, in Rotterdam -- in the Luftwaffe hospital in Rotterdam. Most of the nurses were the local religious nurses, and German Red Cross nurses were also used.

Q Professor Schroeder told me that he used these Dutch nurses, and gave them the preferential positions because he was convinced of their efficiency, although German nurses were also there.

A Yes; I can confirm that. It was rather odd if a Dutch nurse was in charge of a ward, and the superior of the German Red Cross nurse.

Q But his idea was that the wounded were to be given the best possible care?

A Yes.

Q Without distinction of nationality?

A Yes.

Q Now I should like to ask you, witness, how do you think Professor Schroeder would have acted if he had heard of anything which he considered brutal or criminal? For example, experiments on human beings which he thought were not right?

A I am certain that he would have resigned, as painful as that would have been to the medical service of the Luftwaffe.

Q Don't you think that he would still have had the thing investigated?

A Yes.

Q If Professor Schroeder had resigned, how would the Luftwaffe, the medical service, have felt about that?

A That was the difficulty. There was no appropriate successor. For this reason we repeatedly had to subdue his political escapades so that nothing would happen to him; otherwise we would have had an irreplaceable loss for the medical service of the Luftwaffe. I knew the rank list exactly. There was no medical officer, of those who might have succeeded him, who was of his caliber. In this difficult time in 1944, putting in a new man would have been a real solution.

Q With the experiments for making sea water potable you had no contact?

A No.

A Yes.

Q Did you learn anything about it?

A Yes.

Q May I ask you what?

A I was told that the problem of making sea water drinkable was to be attacked, and then I heard that Dr. Schaefer had worked out a procedure and that this was another procedure according to Berkner, which was being worked out. I was informed in general about the technical details, in conversation.

Q If it had been agreed that experiments were to be conducted with human subjects, where do you think they would have been carried out by Professor Schroeder?

A I know only that one day he talked to the Commanding Officer of the Medical Academy of the Luftwaffe. He established contact with him in order to have members of the Academy, that is, young medical students, for the experiments. It was not the first time that some such thing was done at the Academy. If I remember correctly, some years before, an experiment had been conducted with students; that is, with members of the Academy, on the effects of pervitin and, if I remember correctly, students were prevented from sleeping for 70 hours, by pervitin.

Q Then, Professor Schroeder's efforts would have been to have such experiments carried out in the Luftwaffe's own agencies?

A Yes; certainly.

Q It is no doubt your opinion that he would not lightly have considered any other possibility?

A And for what reason do you think that he would have called on his own institutions first?

Q The Academy would have been very suitable because of the human material, if I may say so, and I could not see why the experiments should not be carried out there.

Q Do you know that, in addition to this military medical academy, there was a Luftwaffe hospital which was to be called upon?

A Yes; in Brunswick.

Q How do you know that?

A I can't say any more, but I do know it.

Q Did Schroeder tell you that himself or did you hear that from some other source?

A I don't remember, but I only know that something was said about the Luftwaffe hospital in Brunswick.

Q Would you believe that Professor Schroeder would have let any experiments be carried out without having done everything in his power to make those experiments harmless for the subjects?

A Yes; I certainly believe so. Nothing else is possible in view of his inner attitude.

Q What was his attitude toward the SS? Was there any connection particularly with Hitler?

A No; certainly not. That was also a rather sore point with him. I did not quite trust him.

Q You might say it was something distasteful to him?

A Yes.

Q Well, that is what you can say in general, then?

A Yes.

DR. MURK: Then I have no further questions.

BY DR. HIPP:

Q Witness, how long have you known Dr. Bocker-Weysseng?

A Since we were with the Medical Inspectorate, although we did study together, but we did not know each other.

Q Then your acquaintance dates from January 1944?

A Yes.

Q And you were with him until the end of the war?

A Until the 30th of April 1945.

Q. What was the position of Becker-Treysong when you came to the Medical Inspectorate?

A. He was assistant technical expert in the Department for Aviation Medicine and under Professor Anthony.

Q. What was changed later?

A. Yes.

Q. When was that?

A. I think about the middle of May or about May 1944. Prof. Anthony was transferred for the Medical Polyclinic Hospital.

Q. And he left then?

A. Yes.

Q. When Becker-Treysong became his successor?

A. Yes.

Q. Now, witness, you were assistant long enough and as you said, you, yourself, were a technical expert in the Medical Inspectorate. Will you please, from your point of view, describe the duties and the work of a technical expert?

A. Briefly, he, himself, had to prepare a procedure but he did not have the right to make a decision. He had to report to his superior chief or to the Chief of Staff or to the Medical Chief of the group. It was necessary to obtain all the material on paper. He reported to the superior chief or to higher officers. He had to be absolutely complete. He had to be investigated to the point where one could answer questions and there could be no mistakes and no ignorance.

Q. And you say he prepared this and then decided what was to be done?

A. It depended on how important the matter was. The superior chief had the right to decide but it is obvious that the superior chief considered what responsibility they could take. That was the law to report to the Chief of Staff for a decision.

Q. Then, with the section chief and in more important cases the Chief of Staff decided all basic questions?

A. Yes.

Q. In this case the Medical Referent did not make medical decisions?

A. No, I had to get used to that. I admit in the beginning I did not find it easy to adjust to this position after having been here before and several times the Medical Chief pointed it to me that I had to keep to this attitude.

Q. Then, yourself experienced how little the referent had to say?

A. Yes. I did the personnel work in all situations, though, there were very unimportant transfers to be carried out -- signing them without me risking any responsibility. Sometimes the section chief might not be there and at the beginning I signed one or the other letter but that was very quickly stopped.

Q. Then that was a general principle in the Medical Inspectorate?

A. Oh, yes. I must correct myself. It was the principle, yes, but from Dr. F. Schroeder's report never signed.

Q. I think I will come back to this matter of the signaturer. From your experience as the Medical Inspectorate was adjutant, you know the titles of Dr. Becker-Treysong. I should like to clear up a question which was discussed yesterday, that is, the following one: the co-defendants asserted and the prosecution has taken over this assertion that Dr. Becker-Treysong was the only research adviser of the Medical Chief. I believe you can say something positive about that.

A. I must make a strict distinction between consulting physician on our work as a technical referent. I should like

to give an example. If the Medical Chief for any reason needed a new special physician then he had no call to his office through the section chief or the Chief of Staff and he said he needed a new special physician for such and such a place. "Who might be a candidate? When do you have? The Medical Chief says 'perhaps this man or that man.' I had a different opinion because I had different information. I was able to express my opinion and I did so. I was able to advise him who might be considered for the position. To that extent I was his only or one of the advisers about matters concerning officers but I wasn't a consulting physician.

Q. And you believed that it was the same in the case of Dr. Becker-Freyson?

A. Yes, the same in the case of all of the other doctors. Everyone was able to report his experience in his specialized field and in this way could advise. To come back to my example; no one can remember everything. I worked on only a small part of the officer's files and the active officers -- there were about 550 and the specialists, that was about a thousand. That was 1500 not as which one had to use in some form or other. The officer might possibly be able to remember that if there were 25

referents; the Medical Chief could know about each department only in general outlines. The details the referent has to remember and report.

Q Then, if I may sum it up, in technical questions the referent is an advisor. To give an example, if the Medical Chief wanted some question cleared up, for example, the question of high-altitude research, he call the referent Dr. Becker-Freyseng and he says 'Who might be considered for that?'

A Yes.

Q And then Dr. Becker-Freyseng mentioned the specialist and called him and then this specialist conducts the actual specialized research?

A Yes.

Q And technical advice on technical things?

A We had consulting physicians for aviation medicine.

Q Now, do you know who was the consulting physician for aviation medicine?

A Yes, that was Prof. Dr. Strickelitz, Prof. Rein and Oberregiererrat Benzinger.

Q Then, one might call them the advisors of the Medical Chief for aviation medicine?

A Yes, that's what they were.

Q Now, witness, Becker-Freyseng is called the Research Advisor. Can you perhaps tell us who were the actual advisors in other questions in the field of internal medicine, for example?

A Internal medicine? Prof. Kall, surgery Prof. Technicus. Then what else was there?

Q Do you know anything about hygiene?

A Hygiene? Prof. Rose.

Q Very well, I think that question is settled. Now I will go on something else. Witness, Dr. Becker-Freyseng is held responsible for experiments carried out in aviation medicine on the basis of his post in the Luftwaffe from 1941 on. I know, of course, and the Tribunal!

as you were there in the Medical Inspectorate only from 1944 on but you said that Prof. Anthony was still present at your time and Becker-Freyseng was his assistant for almost six months. Can you say what responsibility Dr. Becker-Freyseng had for this kind of experiments in your opinion as he was Anthony's assistant?

A As I know Anthony he certainly did not let anyone take too much from him. I can imagine that he gave Dr. Becker-Freyseng certain work to deal with but it must be possible to prove that by means of signatures. I don't know whether the files or parts of the files are available.

Q. We will get to the matter of signatures later, witness, but I just said you don't believe that Prof. Anthony gave up very much. To be specific now, you know Prof. Anthony and you probably know what he probably dealt with in the experiments which I have mentioned; they were probably high altitude experiments and cold experiments; do you know anything about that?

A. I think that Anthony would not have given up that type of work.

Q. What makes you think that?

A. I can't prove that, but that is my feeling, for this reason. As we know, under the former medical inspector to Hingko, Anthony was able to deal with Hingko directly without going through the section chief and the chief of staff; and I think that he kept everything in his own hands and did not like to give anything up.

Q. Very well. Now, do you know anything about this: did Prof. Anthony, in aviation medicine, have any special field in which he was interested -- any special line?

A. That is hard to say.

Q. I don't know?

A. No, I don't know.

Q. And you just believe on the basis of your personal impression that these were conditions that Anthony probably worked on these questions personally and that he gave Dr. Becker-Freyson only certain fields.

A. Yes, that is my opinion.

Q. Very well. Now in this connection, concerning Prof. Anthony, I will show you a document: it is in the German Document Book No. 3, first volume, on page 22 and 23. It was submitted as FO 286, Prosecution Exhibit P. 37. I have shown you a photostatic copy; you have it there.

A. Yes.

Q. It is a letter with the heading: The Reich Minister of Aviation and Air Transport, in Chief of the Luftwaffe; it has a file note 55, and number which has no connection here. The letter is addressed to Dr.

Pachrer SS; it is dated 8th of October, 1942. Witness, will you please look at the signature; can you decipher who certifies the correctness there; you know the signature?

A. Yes, that is the signature of Prof. Anthony, the referent for aviation medicine.

Q. Very well; now please look at the signature a little more closely. It reads: "Draft signed by order;" and under that 'true copy', and as you just said. Now, can you please explain to the Court what it is in Luftwaffe correspondence there is such a notation on a letter.

A. Yes. Standing at the top, draft signed by order; if the medical inspector signs, he also signed by order because the heading read the Aviation Minister, etc. Since that is not his own position, he signs "by order". That makes no difference whether it is the inspector or the chief of staff.

Q. Now, it does not mean that there was a special order for this signature but that it was a general authorization for the chief of staff or the medical inspector to sign "by order of the Reich Aviation Minister."

A. Yes.

Q. And that was Mullen who was the Chief of Staff at that time?

A. Yes, at that time.

Q. What does it mean if such a letter says, "draft signed, Mullen, and true copy, Anthony; what does that mean?

A. That means that Prof. Anthony worked out this matter and submitted it to the chief of staff. The chief of staff no doubt approved it in general, but it seems to me that some changes were made here; perhaps said it is to be prepared as we have it here and then he signed the draft and then, probably after correcting it, Anthony did not submit it to the chief of staff again. That is why it says draft signed.

Q. That means that the draft of this letter was given by Prof. Anthony to the chief of staff; that he signed the draft; that the letter was then; it was not necessary to have it signed again. That the person who worked out the matter and submitted it, that is to Anthony, had the right

certify this letter.

1. Yes.

2. That was the general practice?

... Yes, at that time.

3. Now witness, just keep the document book; there are some other things in it. I shall go over to another field. You said that as Assistant Air Fleet Physician 2 you worked on personnel matters, and in addition from 1944 on you were a referent for officer matters. Then I may assume that you are the right man to tell us about transfers and assignment of medical officers.

... Yes.

4. On the basis of this general knowledge, I should like to discuss with you three documents that have been submitted by the Prosecution; you already have the document book. The first one is in the German Document Book, No. 13, on Lost Experiments, on page 24; it was submitted as D-196; it is Prosecution's Exhibit 261. I shall quote

briefly from this document. The heading reads: "The Reich Fuehrer SS Personal Staff, Field Command Post, 24 August, 1942. To: Chief of SS Main Office, SS Gruppenfuehrer Berger. Dear Gruppenfuehrer: SS Hauptsturmfuehrer Professor Dr. A. Hirt, Strassburg, who had a great part in the finding of the institute for military scientific research; you are urgently needed in our medical section. Oberarzt Karl Wimmer is at present on this medical section seven to work at the Anatomischen Institute at the University of Strassburg." The rest of the letter does not interest us; only the signature. SS- Obersturmfuehrer -- it is to be assumed that that is Rudolf Brandt, the defendant.

Let me correct one thing. This is the Luftwaffe Medical Training Section.

Q Yes. The second letter I want to discuss with you is in Document Book No. 13, on page 30; it is submitted by the Prosecution as NO 193, Exhibit No. 264. I shall quote from this too. First the heading: "Das Ahnenerbe, the Reich Business Manager, Berlin-Dahlem, 22 . 4. 43, Secret; to: SS Obersturmbannfuehrer Rudolf Brandt, Personal Staff Reich Fuehrer SS, Berlin SW 11, subject: Dr. Med. Habil Karl Wimmer, 1st Lt. der Luftwaffe, commanded by Luftgaurzt Huenchen, physician, for service with the Anatomischen Institute of the University of Strassburg. Dear Comrade Brandt: Effectively immediately Dr. Wimmer has been transferred to the XI Air Corps; according to information given by Mitteilung in Berlin." The rest of the letter is of no interest. Now, I should like to ask you this question on the basis of your knowledge of matters concerning officers; can you say whether the medical inspectorate of the Luftwaffe was informed of this service of Dr. Wimmer to the Institute in Strassburg, or whether this assignment was ordered by the medical inspectorate?

A That happened in 1942; for that reason I can answer only on the basis of my general knowledge. Luftwaffenstaetsabteilung 7 can transfer a physician under his command from one point to another. There was no difficulty in that, transferring a physician to Strassburg.

Q Strassburg was under Luftgau 7, wasn't it?

A Yes. That is something which the medical inspectorate no doubt never learned about. It is possible that the Air Fleet Physician, I think it was

Zenter at that time, was informed about that; probably nobody else.

Q Then the medical inspectorate probably didn't learn about that?

A No.

Q That is, from the first letter; what would you conclude from the second letter that he is to be transferred effective immediately; what does that mean? Let me put it like this. Who had to order this transfer?

A The personnel office.

Q Then, the Reich Aviation Ministry?

A Yes.

Q And can we assume that the transfer of a medical officer from such a detail would have taken place suddenly if the Reich Aviation Ministry had known about it?

A No, I wouldn't think so. One must conclude that the personnel office transferred him, without reporting to the inspectorate; but, that is not necessary. There were about seven thousand medical officers in the Luftwaffe.

Q Then you conclude the medical inspectorate knew about the transfer to Strassburg?

A Yes, that is my conclusion.

Q. Now, witness, another document with a similar effect. I have it, too. It is again in B-1: VIII on page 33, Document NO-195, Exhibit 256. It reads:

"The Reichsfuehrer SS, Personal Staff, Field Command Post, 9 July 1943. Top Secret."

It is addressed to the Personal Referent of the Reich Marshal, Ministerial Counsellor, Dr. Goerner.

"Dear Party Member Goerner: Referring to our telephone conversation of 1st of June 1943, I request your support for a very quick re-transfer of Stabsarzt Dr. med. Habil Karl Winner, who was transferred to the Eleventh Air Corps from the Luftgau Medical Training Department 7 to the Anatomical Institute of the University of Strassburg." The letter is signed SS Obersturmbannfuehrer Brandt. In view of the question just discussed, what do you conclude from this document, witness?

A. I must conclude that here again this took place without the knowledge of the Inspectorate. If the Inspectorate had participated in this action, one telephone conversation would have been sufficient to have the case managed as desired and all these letters - I have seen three letters about Dr. Winner already - all these letters would not have been necessary.

Q. Then you say, if the Medical Inspectorate had ordered this transfer to Strassburg, then a telephone call to the Anatomical Institute would have been enough? All this ...

A. Yes.

Q. ... correspondence would not have been necessary?

A. Yes, that is right.

Q. So that we can say with considerable certainty that this assignment was given without the knowledge of the Medical Inspectorate and according to the document was instigated by Luftgau Physician 7 in Munich?

A. Yes, that is my assumption.

Q. Now, witness, in the discussion of cold experiments yesterday Professor Holzboehner played a special role. You, no doubt, know the name?

A. Yes.

Q. And it was said that in 1940 Professor Holzloehner had a sea rescue station at the Channel coast. Do you know anything about that?

A. Yes.

Q. Very well, and it was said that the purpose of this station was to rescue fliers who had crashed in the Channel, is that right?

A. Yes.

Q. Now, can you say briefly how this station was organized and what reservation opportunities they had?

A. Yes. The rescue station was at Vissant near Cap Gris Nez. From there one could see a large part of the Channel. That was why the station was put there in order to be able to rescue quickly because crashes of planes could actually be seen. That is why this station was set up there.

Q. And did this rescue station have the opportunity or the possibility of rescuing these fliers immediately?

A. Yes.

Q. What facilities did they have?

A. They had a motor cutter.

Q. And this boat was ready to start when the planes went over?

A. Yes.

Q. What in favorable cases between the time of the crash and rescue there might be only a few minutes, a quarter of an hour perhaps?

A. But that is exaggerated. One has to get there first. The Channel is thirty-one kilometers wide.

Q. Yes, I know, witness. I am speaking of especially favorable cases.

A. Yes.

Q. Then you say these rescue stations had such facilities that there was only a short time between the crash and the rescue?

A. Yes.

Q. Now, do you know how long Professor Holzloehner was there?

A. No, I don't know that.

Q. Do you know whether this rescue station had carried out frequent

rescues?

A. There were eight or twelve persons rescued.

Q. During your time?

A. Yes, During my time.

Q. And Holzlochner remained there later?

A. That I cannot say. I do not know.

Q. But you will be able to say this: Professor Holzlochner gained great experience with the treatment of cold?

A. Yes, one must admit that.

Q. And Schroeder knew that, too?

A. Yes.

Q. Schroeder was there with you once? Was he ever there?

A. Not with me. I know this station independently.

Q. But you know that Schroeder was there?

A. Yes.

DR. TIPP: I have no further questions.

DR. KRAUSS: Dr. Krauss for the defendant Professor Rostock. Mr. President, I ask permission to ask a single question for your clarification and to avoid misunderstandings.

CROSS EXAMINATION

BY DR. KRAUSS:

Q. There is a German university city with the name "Rostock". Witness, you testified that Professor Anthony was deferred for the Medical Polyclinic Rostock, then you meant, did you not, the medical polyclinic at the University of Rostock?

A. Yes, of course.

Q. Not the clinic of Professor Rostock?

A. No. It was the medical university clinic of the city of Rostock.

DR. KRAUSS: I thank you. I have no further questions.

THE PRESIDENT: Are there any further questions of this witness by the defense counsel? There being none, the prosecution may cross-examine.

MR. HARDY: May it please Your Honor, I have no questions but to

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the witness for cross-examination.

DR. MARX: I have no further questions to the witness Augustinick.

THE PRESIDENT: The witness may be excused.

DR. MARX: Mr. President, I now have another witness, but before I begin with the witness Witt, I might suggest a recess so that I do not have to cut the examination in two.

THE PRESIDENT: The Tribunal will be in recess.

Court I

THE MARSHAL: The Tribunal is again in session.

MR. CHASE: May it please the Tribunal, Mr. Marx, I understand, has called to witness Dr. Fritz Witt to testify as to the character of Schroeder. Mr. Marx has also called Master Jantich and Dr. Augustinick, both of whom have testified considerable length with respect to the character of the defendant Schroeder. The witness listed as Dr. Fritz Witt is also called, as I understand it, to testify as to character, which will make the third character witness. Additionally, we are notified with an intention to call Frau Maria Eppert, who will also testify as to character.

The Prosecution feels that time is a very essential element in this case and that it is not necessary for a defendant to call as many as three character witnesses. The Tribunal is asked to limit character witnesses to two for each defendant, which have already been called on behalf of the defendant Schroeder.

The Prosecution, in the other two cases where witnesses have been listed for the purpose of giving character evidence, is willing to stipulate in those cases that these witnesses will testify that the defendant Schroeder has a good reputation in his community.

THE MARSHAL: A good reputation for what?

MR. CHASE: As to character, Mr. Marx, is a honorable man. Or, to make it more specific, if Mr. Marx cares to stipulate it, basically, the type of character evidence in these two witnesses to give, we will then be able to stipulate it precisely. But we would like to avoid the calling of more than two character witnesses for each defendant because if more than that number is called, it is apt to prolong the case considerably. It has been suggested that the defendant Scharf has a substantial number of neighbors taking fish character in his defendant's work, and I think that the rights of the defendant will be amply protected by permitting the calling of more than two character witnesses to testify, with, of course, the right to submit as many affidavits as they care to in the case.

THE PRESIDENT: What is your view on the matter?

DR. MARX: May it please the Tribunal, the defense is of the opinion that more time would be lost if the Prosecution and the Defense would engage in discussion as to whether or not certain witnesses should be examined. The witness, Dr. Witt, has been approved.

THE PRESIDENT: Counsel, the Tribunal will hear witness Fritz Witt rather briefly on the character if the witness can testify as to facts. If the witness testifies as to facts, that is a different question. The Tribunal would be inclined to put a limit on the witnesses who testify only to the matter of character. In this case the witness will be heard, but on the matter of character only, and rather briefly.

The Marshal will summon the witness, Dr. Witt.

FRITZ WITT, a witness, took the stand and testified as follows:

BY JUDGE SEPPING:

Q Hold up your right hand and be sworn repeating after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY DR. MARX:

Q Witness, will you please give the Tribunal your full name?

A My name is Fritz Witt.

Q When and where were you born?

A I was born on the 12th of March, 1887.

Q What is your present address?

A Kohlenstrasse 33, Munich.

Q What is your profession?

A I am a dentist. At present, I am the Chief Consultant of the Bavarian Chamber of Dentists.

Q Will you please give the Tribunal a short sketch of your professional history?

A I passed my state medical examination 1910. In 1912, I titled at Darmstadt as a dentist. I represented the interests of my colleagues. In 1922, I received the request to come to Berlin as General Secretary of the Reich League of Dentists. I remained General Secretary until the year 1933. Then this organization was reconverted. I lost my position. I gained the position of expert because I belonged to a free Mason lodge. I had to take care of subordinate work, especially questions pertaining to insurance. I also had to take care of the dental treatment in the hospital.

In this capacity, I made the acquaintance of many medical officers, among them was Professor Schroeder. At the outbreak of the war, it became known that the dental supply had not been secured to a sufficient extent. I, therefore, furnished the experience which I had gained in practicing my profession and I was conscripted into the Luftwaffe.

In 1942, I was then transferred to the Medical Inspectorate of the Luftwaffe. I worked there until the final collapse.

Q Therefore, you knew Professor Schroeder for a long period of time officially. Do you know him from private contacts?

A Yes. I have also frequently had private discussions with him. Our relationship was a very friendly one. We had mutual friends, and we also attended certain meetings and conventions together. This relationship was continued during the entire course of the war, although at that time I knew very little of Professor Schroeder, until in 1944, he finally came to Berlin as Inspector.

Q Then, you were in particularly close official contact with him?

A Yes. Professor Schroeder lived at the camp. And I was in constant contact with the individual man.

Q What was the official assignment of Professor Schroeder?

A At the outbreak of the war, Professor Schroeder, first of all, was Chief of Staff in the Inspectorate. In 1940, he became Air Physician of the Air Fleet II. Then he was in the East, West and Southern Theater of

Operations, until 1944, when he became Medical Inspector.

Q During the time Professor Schroeder was physician of Air Fleet, were you in Berlin with the Medical Inspectorate?

A Yes.

Q During this period of time, did Professor Schroeder

know Professor Hippke in his capacity as Head and Chief of the Luftwaffe?

Was he Hippke's deputy?

A No. He has never been his deputy. His deputy was Generalstabarzt
Hermann.

And did you have the opportunity to observe Professor Schroeder
during his assignment as Air Fleet Physician in Berlin, and did you have the
opportunity to see him and to talk to him during that period of time?

A Professor Schroeder visited Berlin on very rare occasions only. As
far as I can remember, only two or three times. However, I have repeatedly
visited him in his various offices because my official duties caused me to
travel to units at the front in order to obtain information about the extent
of dental care and the extent of surgeries.

Q Where was that?

A In a part that was in Belgium. And I have also been in Russia, Smo-
lenk and in Italy and also in Greece.

Q Can you remember approximately if in the year, 1942, you visited
him in those areas?

A I had also visited him in 1942, yes.

Q Was he already in Italy at that time?

A Yes, At that time he was already in Italy.

Q Therefore, during a one-year period, Schroeder only visited Berlin
three or three times?

A Yes.

Q Because from the beginning of 1940 until the end of 1942, he was
assigned as Air Fleet physician?

A Yes.

Q Can you tell us something about the fact whether Professor Schroeder,
during this period of time, had any official or private contact with the
Medical Inspectorate?

A I definitely did not have any contact because whenever I visited
him, he repeatedly asked me what actually was going on at the Inspectorate.

Q And were you able to give him any information about that?

A Only as far as my special field was concerned.

A When Professor Schroeder became chief of the medical service, did you also remain referent for medical supplies under him?

A Yes. I remained in this position until the final collapse.

Q What was the collaboration between the referents, the specialist experts and Mr. Schroeder?

A The relationship of the expert specialists among each other and to the chief was fundamentally changed when Professor Schroeder began to occupy the position of Medical Inspector. While Professor Hippke only had a few of the expert specialists report to him, Professor Schroeder availed himself of every opportunity in order to have direct contact with the expert specialist. I was never told once to report to Professor Hippke, but Professor Schroeder called me to see him very frequently, especially since he showed a special interest in the dental field.

Q Did Dr. Schroeder have special fields in his capacity as Chief of the Medical service to which he devoted his special interest?

... Professor Schroeder was particularly interested and had shown previously such interest in the establishment of hospitals. At the time of the one-hundred-thousand men army he worked on that problem at all times. However, he also had a special interest in the medical training of the new medical officers and students, and, further, he was especially interested in the development of the care for the nursing system, and also for the people who had been discharged, and he also showed a particular interest in moral questions.

Q. I believe you have already stated that he showed a particular interest in your special field. Now you stated that Professor Schroeder had a weekly conference called to it, and what was also a conference, his method of management and his attitude towards it?

A. Yes, he had a constant connection with Professor Schroeder as far as that.

Q. Have regular discussion evenings been established?

A. When he took over the office as Inspector, Professor Schroeder immediately established discussion evenings, in which all expert specialists were able to participate in giving reports in their special field, and, also the attitude between the Referent and us became closer, and there was much more comradeship. This was caused in the least by the fact that Professor Schroeder was living with us at the camp, and he had his meals in the mess hall in the evening together with us.

Q. Therefore, general interest in questions from the initial... fields were discussed, and also questions which related to the... were discussed...
A. Yes.

Q. Now was there a certain relationship of confidence existing between the individual participants, between and members of the office, and their Chief?

A. Yes. Professor Schroeder gave us an example of a relationship as we had always wished it, and the relationship of the Referents towards each other was filled with much more comradeship than it had previously been.

Q. Were experiments on human beings increased on such occasions, which had been carried out at some time or other, or at some place?

A. I can remember a discussion which I had with Professor Freysong. At one occasion he told me, and only very briefly while we were walking, that experiments would be carried out in order to make the sea water drinkable. I can still remember that I asked him who was participating in these experiments, and he told me that, there were persons who had volunteered for this purpose. That is the only thing which I have heard with regard to experiments on human beings.

Q. Were you not more interested in making sea water drinkable?

A. No, this was not within my specialized field, and I did not occupy myself at all with the question.

Q. What is your opinion that Professor Schroeder would have or would not have told you if he had obtained knowledge of experiments which were conducted on human beings in the concentration camps?

A. I am convinced of the fact that he would have told me about that, because of this field which was so far removed from the large field of tasks of the Luftwaffe, and this would have caused a great interest of mine. I frequented the camp in discussions with Professor Schroeder. These were also of private nature, and he certainly would have told me if

this extraordinary difficult field was to be included in his work.

Q. Did he never tell you anything about the freezing, or the high altitude experiments?

A. I have never heard anything about them.

Q. What was his knowledge about the concentration camps?

A. I could not tell you that, because we never discussed the subject. That is a field of which very little was generally known. We had heard of Dachau and of Oranienburg, because of the fact that we were living in Berlin.

Q. Witness, I would now like to ask you, on the basis of your acquaintance for many years with Professor Schroeder, to give us a description of your judgment of him, Dr. Schroeder, as a human being, as a soldier, and as a physician, and, also, about his attitude towards the church, and his general ideology. Now, I must ask you to be as brief as possible, so that there will not take too much of the time which is made available by the Tribunal.

A. Professor Schroeder for me is the personification of a scientifically striving, ethical and highly valuable medical officer. He has always had a good judgment in dealing with persons, and situations, and the varied circumstances that he was never engaged in any disputes or competition. Always carried on a hope that at some time he would become Inspector of the medical service of the entire medical service. This special characteristic of him is due to his high degree of modesty, and the fact that he was very reserved. This was also indicated by the fact that he refused to have his pictures taken.

Politically, regarding his criticisms about methods of education of a third Reich, he always told me his views on these things. Then there was a strict lack of harmony between his conception of duty and the basic principles of the party.

There were discussion at some times about he had a high degree of what he occasionally considered his reasoning, it was only his feeling that he had to fulfill his duty, and only his care for the medical students, and his specialized work or that he perhaps was paving the way for a new false tendency. It was because of this that he failed to lay down his office. I can not remember that he has ever placed the Nazi Ideology, or any part of it, in the foreground. That at the end of his speeches, which he had made before the staff, he always asked us to perform clean work, and to strictly fulfill our duty, and, he also required us to be an example for Germany.

He even told me that the best time of his professional life was at the time he spent in the one-hundred-thousand man army, where he was influenced by political momentum, and he was not influenced by politics at all. His care for the nursing system was well known, and no inspection of the hospital passed without his engaging in discussions with the medical lists of the men, or of the medical men in the service, without his listening to their desires and requests, and as a result of this he was very popular in these circles.

I would like to summarize that he was a noble and ethical human being. He was a physician who was continually striving for the better, and he was a very superior. He was honest, and he strictly had a feeling of fulfilling his duty, and he had a profound sense of justice, and he had a pronounced love for the truth and that for me is a picture of the character of Professor Schroeder.

DR. WITT: May it please the Tribunal, I have reached the end of my examination of this witness.

DR. TIPP (for the defendant Becker-Freysang):

May it please the Tribunal, the witness has also been approved to testify on behalf of Dr. Becker-Freysang. First he is to testify as to the character; and, second, he is to testify for his activity as a referent in general; third, he is to testify as to the relationship between Dr. Becker-Freysang and his higher superior.

I believe that I can assume his activities as a referent has been clarified to a sufficient extent. This has been done by Professor Schroeder as well as by Dr. Augustinick, and therefore I shall not have more questions on this matter to put to the witness.

In order to comply with the ruling of the Tribunal, that not too many character witnesses should testify here for the individual defendants, I also refrain from asking general questions about the character of Dr. Becker-Freysang.

I, therefore, confine myself to the questions which refer to the relationship of Dr. Becker-Freysang with his next higher superior.

Q. Witness, when did you make the acquaintance of Dr. Becker-Freysang?

A. Dr. Becker-Freysang, I believe it was in 1942. He came into the Medical Directorate as an assistant referent. He came into the Department for Aviation Medicine which was directed by Professor Anthony.

Q. And, you were also working in the Department for Aviation Medicine at that time?

A. Yes.

Q. And, you worked in the same Medical Department, that is, in the 2nd Medical Department?

A. Yes, in the same Department.

Q. Very well --

A. (Interposing) And, our superiors were the same.

Q. Now, we have heard today that the referent did not have the authority to make any decisions; that he only could carry out a preparatory activity; that the decisions were reached in each case by the section head or by the chief of staff or by the medical chief, himself; is that correct?

A. Yes, that is correct.

Q. And, you know both the section heads?

A. Yes.

Q. Who were the superiors of Dr. Becker-Freysong and yourself?

A. Dr. Martius, and in the end it was Oberstarzt Merz.

Q. Now, can you tell us what specialized training had been given to these gentlemen whom you have just mentioned?

A. First of all Dr. Martius was a Pathologist, formerly in the old Army, and I do not know who his predecessor was. Merz was a ENT-physician; no, he was an eye physician, and he came from the front where he was also a pilot. He had obtained a large amount of knowledge of aviation problems.

Q. And, therefore, both of these men were in a certain way experts on the questions of aviation medicine?

A. Yes, certainly.

Q. Now, what was your personal attitude? Were you very critical or did you frequently, personally, intervene in the decisions?

A. If you asked me that in such a way, then I must say it was not easy to work together with them. Both of these men were really critical, and they were very exact to the last small details, and they were very hard in their criticism of drafts which had been submitted to them.

Q. Were these criticisms and these interferences limited to things of a purely formal nature or did they also intervene in decisions which had been made in certain special work?

A. Both men, I assume, even in the same way with Dr. Becker-Freysong as they acted toward me, and they always participated in the work to a high degree.

Q. Well, that can be assumed, because as you have just stated, both men were also experts in the field of aviation medicine, but not in your field?

A. No.

Q Well, I believe that question has been clarified now. You have stated that both these men also included themselves in the decisions which were reached in the special fields?

A Yes, very intensively.

Q Therefore, the referent in your department was not in any way independent?

A A referent was always tied to certain instructions, and he could only carry out the preliminary work which was finally signed by the section head and was passed on as a draft.

Q And, you also know Professor Anthony; is that correct?

A Yes.

Q And, you know that Becker-Freytag was assistant referent under Professor Anthony?

A Yes.

Q Do you know how long he carried on this activity?

A I believe that he left in the beginning of 1944.

Q Could it be correct that he left in May 1944?

A Yes, it was around that period of time.

Q Very well, now, how was Professor Anthony? Was he very active?

A I believe that Professor Anthony would have not permitted Becker-Freytag to act either independently, and as far as I know, Professor Anthony was not willing to hand any of his own authority over to somebody else.

Q Now, my last final question, Sir. It has been stated here by the prosecution that Dr. Becker-Freytag in his position as referent had issued orders; that he issued orders to Dr. Haagen, the Director of Hygienic Institute of the University of Strasbourg. Is it correct that Dr. Becker-Freytag was able to issue such orders? Can you tell us anything about it?

A That is correct? Not of the question because a referent does not have the authority to issue orders. He was only able to make suggestions in a field of work but otherwise it would not have been

possible for him to cause anybody to comply with his orders.

Q Therefore, it was impossible for Dr. Becker-Freyse to issue such an order to Haagen?

A Yes, that is completely out of the question.

DR. HIPP: I have no more questions, your Honor.

THE PRESIDENT: The Prosecution may cross examine the witness.

CROSS EXAMINATION

BY THE PROSECUTOR:

Q Witness, if I understood you correctly, you stated that the defendant Schroeder told you about the sea-water experiments; is that correct?

A Dr. Becker-Freyse told me that.

Q When did he tell you that?

A That must have been on the occasion of a visit of Dr. Schroeder at Sadow. I still remember that I inquired on the way to our barracks who was the visitor, the officer who had been here today; and, Becker-Freyse told me that was a certain Dr. Schroeder who had discovered a new method for rendering sea water drinkable.

Q Where were you when he told you that?

A That was when we were walking between our barracks, from our office barracks to our barracks which we inhabited.

Q At Berlin?

A Yes, at Sadow.

Q What did he tell you about this sea-water experiment?

A He told me that, wintered ships were adrift at sea, that the possibility was to be given to them to convert sea water into drinking water.

Q Who else was there? Was anyone else there when he told you this?

A No.

Q Did he tell you anything about conducting the experiment?

A No. That was after we arrived at our barracks, not at

that our conversation ended.

Q You are a dentist, are you not?

A Yes.

Q You are not a scientist?

A No.

Q And, Becker-Freysseng actually had no reason to tell you about this, did he?

A No, I only asked him because I was curious about the personality of the physician who had been there. However, I am convinced that if such an experiment on human beings had been carried out that Becker-Freysseng would have also told us something about it because since we were living in the same barracks, we frequently discussed all possible questions in the evening.

THE PRESIDENT: I have no further questions, your Honor.

THE PRESIDENT: If there is no further questioning of this witness, the witness may be excused.

(The witness was excused).

MR. FARBY: May it please the Tribunal, before Dr. Marx proceeds with his introduction of his documents from document book No. 1, I have noticed that several of these documents are character reference affidavits, not in keeping with the ruling recently made by Tribunal II, whereby they ruled that certain documents of this nature can be incorporated into the record without necessitating the reading of them before the open court. I have not had an opportunity to talk to Dr. Marx, but I suggest that we could complete this case more expeditiously if such a procedure of this nature would be followed. When he comes to each document he might summarize it as to what it might be. It might be advantageous if he stated or summarized it without reading it.

Court I

THE PRESIDENT: The Tribunal would be in accord with the suggestion made by counsel for the prosecution. If counsel for the defense desires simply to note the exhibit, the document number, and have it introduced as the exhibit, giving a brief resume of that document, it may be received in evidence without reading.

DR. MARX: May it please the Tribunal, I naturally shall try to limit the presentation of the documents as much as possible. However, it is impossible for the defense also to fail to read certain important places in the document.

THE PRESIDENT: The counsel is entirely correct. It was not the intention of the Tribunal to limit the reading of important documents. I was referring merely to character affidavits.

DR. MARX: May it please the Tribunal; Mr President, the documents which I take upon myself to read fall into various groups. The numbers 1 to 3 contain descriptions of three priests of various confessions. It is an affidavit of the president of the Central Committee for the Internal Mission of the German Protestant Church, Dr. Frick; a statement by the Apostolic Protector prolate Dr. Krantz, who is president of the Charity Association of the Catholic Church; and an affidavit by the Jesuit Priest Ernst Lutze. These priests, Frick and Krantz, know Prof. Schroeder from their common work with the German Hospital Society, in which all of them were engaged. Dr. Lutze, who is a Jesuit priest, was a private first class in the medical service during the war; and he knew Prof. Schroeder when he was the medical officer of Air Fleet 2. These three priests have two confessions; and, though Schroeder himself

is a Protestant, they make statements about the generally clear, human and positive attitude of Dr. Schroeder towards religion and his refutation of national socialism and its forcible methods.

The second group contains well-known scientists, who certify about the professional activity and the professional concepts of Professor Schroeder. In the third group of the documents I have taken it upon myself to present a number of documents which indicate the non-participation of Schroeder in the experiments with which he has been charged, about hepatitis, typhus, and similar other experiments.

MR. HARDY: Do I understand correctly that Dr. Marx at this time is offering exhibits 1, 2, and 3, or is he merely explaining that he is going to offer them and offer them separately later?

THE PRESIDENT: I understood counsel was simply explaining the documents to the Tribunal.

MR. HARDY: Thank You.

DR. MARX: That is the state of affairs, Mr. President; and I only wanted to show into what groups the document book is divided. I am also of the opinion that this was clearly indicated. From the affidavit of Pastor Frick I take it upon myself to read the following, which is Paragraph 2.

THE PRESIDENT: Counsel, I understand that you are offering this document as an exhibit in the case and reading from it?

DR. MARX: Yes.

THE PRESIDENT: Very well.

MR. PARK: I offer the affidavit at the laster track as Ex. 1;
and I read the following from that document:

"Herr. Schroeder was known to me at that time in my office as
president of the Central Committee for the Internal Mission of the
German Protestant Church and as a member of the advisory board of
the German Hospital Association. On official occasions we had
numerous contacts so that I also became acquainted with him person-
ally; and he won my esteem. I not only learned about the absolute-
ly critical attitude he showed towards National Socialism and its
doctrines and damages but also that he was a convinced Christian. In
spite of the fact that he was persecuted by the well-known Nazi system
of informers wherever he went and that in his private life, he never
made a secret of his conviction and admitted it in public
with the greatest courage and dignity, he refused to interfere on be-
half of the Protestant Church, the Internal Mission, and the con-
fessional orders of Sisters."

I request that this document be admitted in evidence; and it will
become Ex. 1 of my document book. I refer to the affidavit of
the witness, Mr. Evans.

MR. PARK: Your Honor, I made objection to the admission of this docu-
ment into evidence. This document does not comply with the regula-
tions of the Federal in that an affidavit must be duly sworn to, either
by a notary or in the presence of a judicial official, and on the face of
this document, it is merely certified to be a correct copy of the letter
by the defense counsel and does not state whether or not any oath
was given or whether this was given in the presence of a witness in
lieu of an oath. It is merely a

signed statement and doesn't bear any resemblance to a document which would be admissible here.

DR. MARX: May it please the Tribunal, the objection on the part of the prosecution is justified in itself because the document does not comply with the rulings which the Tribunal has fixed for an affidavit. However, it can be declared admissible as evidence if the previous exchange of letters and correspondence is submitted and if it is stated for what reasons the Prelate Dr. Kreutz refused to give an affidavit. I therefore, request that I be given permission briefly to give information on the exchange of correspondence which preceded this statement; or may I read the letter which Dr. Kreutz addressed to me?

MR. HARDY: I might add at this time, your Honor, that Dr. Marx has two or three other documents of a similar nature in his document book; and it might be well that we take them all up at the same time and avoid my having to make objections later.

THE PRESIDENT: The Tribunal has promulgated rules for the admission of these documents and that is that they be made under oath or by way of a statement in lieu of oath; and this document, at least, complies with neither one of those regulations.

DR. MARX: I beg your pardon, Mr. President, here we deal with an Apostolic Protonotar and Prelate of the Catholic Church, who, solely on the basis of religious considerations, has refused to give an affidavit. For all that, there cannot be any doubt that this statement conforms to the truth; and I therefore request permission to submit the correspondence which was written by Dr.

Kreutz and myself in this matter and which indicates for what reasons Dr. Kreutz has refused to give a statement in lieu of an oath.

THE PRESIDENT: This precise question was presented to the Tribunal with a similar statement by a Catholic Protonotar a few days since; and the affidavit was rejected because it was neither made under oath nor did it contain any statement that it was made in lieu of an oath, under knowledge of the penalties of perjury for false swearing, or words to that effect. Is counsel aware of any legal authority for the admission of any such document as this? Any legal precedent or authority?

DR. MARX: I beg your pardon, Mr. President. I believe that if the correspondence containing the reasons for this were submitted, then the exhibit which has been offered would exceptionally be admitted.

THE PRESIDENT: Is counsel aware of any authority in German law for the admission of such a statement as this? The Tribunal would examine the correspondence referred to by counsel. Counsel will hand that correspondence to the Secretary General and the Tribunal will examine it. I assume, however, it is in the German language. Are there translations from German?

DR. MARX: No, we do not have the translation, Mr. President; but this could be done now.

THE PRESIDENT: The Tribunal will be glad if counsel will during the noon recess ascertain whether or not there is any provision in German law for the admission in evidence of such a statement as this. The Tribunal will again consider the matter when the Tribunal meets at 1:30. The Tribunal will now be in recess.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

DR. MARX: Mr. President, as for the statement of Prelate Dr. Krutz, I should like to withdraw it. The affidavit of Pastor Frick and of Ernst Lutze has confirmed these facts sufficiently.

THE PRESIDENT: Of course, if counsel procures the affidavit in another form, it may be offered later.

DR. MARX: Very well, I understand, Mr. President. I shall take the liberty if it is possible to offer the document later.

The following documents from 1 to 9 are affidavits of a number of scientists, of well-known scientists, with whom the defendant Schroeder worked for years. They testified to Professor Schroeder's attitude toward the medical profession, science, and research, and in addition gave information about his attitude as a human being and his attitude toward the party.

I shall take the liberty of reading from the affidavit of Professor H. Burkly De La Camp. This is on page 12 of the document book, and it says on page 1, at the very bottom, the first paragraph:

"1. Mr. Schroeder had a very high conception of the profession of physician. He was one of the few high-ranking medical officers who were not only administrative officials of the medical service and superior officers, but who kept the standard of the medical profession high and who had remained physicians. I never again during the whole war met another high-ranking active medical officer who had such a deep and thorough understanding as Mr. Schroeder, although I came in contact with a very great number of high-ranking medical officers."

I shall omit the last part but the next paragraph reads:

"I should like to stress especially, as regards the treatment of wounded prisoners of war, he always judged from the physician's point of view and always did everything and had everything done that was within his reach and that was possible in order to help the wounded prisoners."

"The hospitals within the jurisdiction of Airfleet 2 were exemplary. Mr. Schroeder's visits to hospitals were always welcomed by the physicians because he inspected the hospitals, their installations, and work as a physician and not as a superior officer."

And then I should like to speak of the political attitude of Mr. Schroeder as this witness sees it. It says that he had nothing to do with national socialism or any outgrowth of national socialism.

I offer this affidavit as Exhibit - I offered the Lutze affidavit as Exhibit No. 2 and Buerkle De La Camp affidavit as Exhibit No. 3. I ask that both exhibits be admitted.

The following affidavit of Professor Dr. Huenermann I offer in evidence and I would give it exhibit No. 4. I ask that this exhibit be admitted in evidence.

MR. HARDY: This Document No. 5 is similar to Exhibit No. 2, which does not contain any jurat as prescribed by the rules and regulations of the Tribunal, and, therefore, I object to the submission of this document in evidence.

DR. MARX: Mr. President, unfortunately, it was not added in the document that the Huenermann affidavit was certified by a notary at Dusseldorf.

MR. HARDY: I will withdraw my objection.

DR. MARX: The next affidavit is an affidavit of Professor Dr. H. Siegmund, Director of the Pathological Institute in Muenster, Westphalia. He is a Professor at the University of Muenster. This affidavit also deals with Schroeder's attitude toward the medical profession and the medical ethics. I offer this affidavit as Exhibit No. 5.

THE PRESIDENT: That is Document No. 6?

DR. MARX: Yes, in my document book it is No. 6. It will be given exhibit number 5, because one affidavit was left out of this statement, being Dr. Kreutz.

The next affidavit is an affidavit of Professor Dr. Strughold.

Mr. President, this Professor Strughold is a man who worked with Professor Schroeder for many years. Professor Strughold was in the United States for many years. He knows the American Universities from New England to the Middle West and now again he is working in a high position at the American Aviation Medical Institute at Heidelberg. He will be called to the United States again. I think that this affidavit has particular importance since Professor Strughold is well known for his reserve in judging other people and I believe that his words should be given special

weight, because of his international reputation.

I merely offer this affidavit in Evidence as No. 6, Exhibit No. 6.

The next document is an affidavit by Professor Dr. Weski. Professor Dr. Weski lives in Berlin. He has also testified to his knowledge of the character and professional attitude of Dr. Schroeder. I offer this affidavit in evidence as Exhibit No. 7.

The next exhibit is an affidavit of Professor Dr. Wilhelm Tönnis, Director of Miners' Union Hospital and Chief Physician of the surgical department. I merely offer this affidavit. I shall not read it. But, on page 2 under 3 (b) I should like to read something. It says:

"Attitude towards the wounded and sick:

"In his care for the wounded and sick, Professor Schroeder continuously tried to get the best specialists for the hospitals and to assist them as much as he could in their work as well as with their equipment. He himself took every occasion to assist at operations, inform himself about the methods of treatment and their results, and to convince himself of the truth of the statements."

This would be Exhibit 8. I ask that it be admitted under this number.

The next exhibit is an affidavit of the University Professor Erwin Gohrbandt in Berlin, Medical Director of the Robert Koch Hospital. From this document I should like to read only paragraph 2 on page 2. It says: "Regarding Professor Schroeder's attitude toward the wounded and the sick, I wish to state the following: Professor Schroeder always used every endeavour to supply model billots and a model treatment of the wounded and sick. I often accompanied him on his hospital inspections. Everywhere - whenever possible - he assisted, made improvements etc. so that I hardly know another physician who took greater care of the wounded and sick than Professor Schroeder. He always insisted upon the same treatment for the wounded of other nations as that for the German wounded."

Farther down it says:

"Professor Schroeder had no connections with the NSDAP nor did he entertain any. On the contrary, to me he frequently remarked that he declined to be drawn into this and often criticized the movement. As far as I know, Professor Schroeder neither belonged to the NSDAP nor to any of the affiliated organizations."

Professor Erwin Gohrbandt"

I ask that this exhibit be admitted as Schroeder Exhibit 9.

Now I come to the next document. This is an affidavit of Frau Louise von Oertzen. She has known Professor Schroeder since 1937. She met him at the international hospital congress in Paris. She says:

"In my capacity as Generaloberin of the German Red Cross, Dr. Schroeder won my esteem through his ardent care for the work of the German and the International Red Cross and the welfare of its patients. I repeatedly inspected field hospitals together with him and noticed that he never treated the patients as a military superior but as a warmhearted and understanding physician. His attitude towards the nurses was likewise respectful and considerate."

I merely offer the rest of the document. I shall not read it. I offer it as Exhibit 10.

Now I come to Exhibit 12. This is an affidavit of Karin Huppertz.

MR. HARDY: May it please your Honors, this exhibit is not in the proper form hence I object to its admission in evidence as it does not comply with regulations set forth by the Tribunal. It has no jurate at all. It has no preamble - nothing that bears semblance of a proper affidavit.

DR. MARK: Mr. President, this is an affidavit which is offered only provisionally. Karin Huppertz was approached as a witness for the defendant but she has not been able to get here yet. For that reason I wanted to ask to be allowed to call her as a witness later if she should come. This statement of Karin Huppertz was given before an American officer, Captain Mahoney.

THE PRESIDENT: No such certificate is shown in the English Document Book.

MR. HARDY: You are correct, your Honor. No certificate is shown but in as much as it had a jurate by an American officer I withdraw my objection. I will allow the document to be entered.

DR. MARK: I give this Exhibit 11. Now I come to the next document. That is an affidavit of Mrs. Hanna Reitsch, Flight Captain, of the 22 of December 1946. This affidavit, as well as the

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next one of Frau Marie Firmer, concerns the human aspect of Professor Schroeder. I merely offer these two exhibits, the Reitsch affidavit as Exhibit 12 and the Firmer affidavit as Exhibit 13. From the affidavit of Frau Firmer I should like to read something. At the end, the last paragraph here, she says:

"From 2 October 1943 to 30 August 1944, court martial proceedings were instituted against me, on a denunciation by SS Obergruppenfuhrer Hoefle for undermining of military morale. During these proceedings Dr. F. Schroeder defended me warmly and he succeeded in having the proceedings against me discontinued, and a sentence was passed although the remarks made by me were proved."

Now I come to the next document. This is an affidavit of the architect Heinrich Hillmer in Hamburg. He is the head of the studio of the late architect Herman Dietel. This goes into the activity of Professor Schroeder in connection with the construction of hospitals and shows how ardently he supported the building of hospitals in Berlin. I offer this as Schroeder Exhibit # 14.

Now I come to the next exhibit. It was the heading "Hepatitis". It is an affidavit of Professor Dr. Heinrich Falk in Berlin, 17 January 1947. I would like to read all of this affidavit. It is not very long and is without necessity for corroboration.

"I have known Professor Dr. Oscar Schroeder, former Chief physician general (Generalarztbesatz) of the German Luftwaffe, for about 12 years, through my medical activities, and through scientific connections. Dr. Schroeder was my military superior, as Chief of the Medical Service of the Luftwaffe, during the war, since 1934. I, myself, was employed with the medical inspectorate of the medical service as a consulting specialist for internal diseases attached to the medical inspectorate of the Luftwaffe from the beginning of the war.

"Regarding the question of alleged experiments of infection of hepatitis

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epidemics of humans, I declare the following:

"1) Neither Professor Schroeder, nor any other branch of the medical service of the Luftwaffe, ever gave me any order to carry out experiments on humans with hepatitis infection, and I never made such experiments.

"2) I never approached Professor Schroeder with the demand, to carry out experiments on humans with hepatitis infection,

"3) It was my task, within the framework of the activity of a consulting specialist for internal diseases, to care for medical treatment of and clinical research on soldiers suffering from hepatitis, taken to Luftwaffe hospitals, especially at the Luftwaffe hospitals at Greifswald and at Bucharest. In order to carry out this task, I approached hygienists and pathologists, for the purpose of working on important special problems without, however, exceeding the limits of my activity by experiments with infection of humans.

"For the purpose of research on hepatitis, I worked together with Professor Dr. Buchner, chief of the pathologic institute at the Freiburg University, with Professor Dr. Herzberg, chief of the hygiene institute at the Greifswald university, and with Professor Dr. Haagen, chief of the hygienic institute at the Strassburg university."

This affidavit will be Schroeder exhibit 15.

Now, I come to the affidavit of Professor Dr. H. F. Beck, pages 56 and 57 in my document book. Professor Beck is the chief physician at the Medical University Clinic at Tuebingen. I now offer this exhibit as Schroeder Exhibit No. 16.

The next exhibit is on page 58 to 60 in my document book. It is an affidavit of Professor Dr. Franz Buchner, Freiburg i. Br., Professor of Pathology and Director of the Pathologic Institute of the University of Freiburg of 9 January 1947. This is a very short document. With the permission of the Tribunal I shall read all of it:

Buchner: "I was neither a member of the party nor of its organizations. From my speech made in November of 1941 about the 'Oath of Hippocrates', which has since been published, my general attitude may be judged. For political reasons and also because of this speech, my call to Frankfurt/Main in the spring of 1942 and to Berlin in the fall of 1942, was rejected. In November, 1943, the SD at Freiburg demanded my immediate dismissal from office.

"Regarding the case:

"My cooperation with Professor Dr. Haagen consisted in the microscopical examination of his experimental animals.

"Nothing was known to me of an intention of Professor Haagen or of an order to him to perform any experiments on human subjects, within the framework of his experiments. I never received a letter of the kind directed by Professor Haagen to Professor Kalk (27 June 1944), much less any corresponding letter from Professor Dr. Schroeder or Dr. Becker-Freyseng or any other expert specialist, with the Chief of the Medical Service of the Luftwaffe. Nor do I know whether within the framework of the research order any experiments on human subjects, in particular enforced human experiments have been performed at any time by Professor Haagen." I ask that this affidavit be admitted as Schroeder Exhibit 17.

The next document is an affidavit of Professor Dr. Zuckschwerdt of 21 January 1947. Professor Dr. Zuckschwerdt has the following to say:

"The Institute for medical research at Strassbourg was, as a part of the university, subordinate to the Dean of the medical faculty. The Chief of the Medical Service of the Luftwaffe had nothing to do with this institute. The task of the institute was research in clinical problems, to carry out which special experts and chemical and physics installations were required."

The next paragraph says: "As a surgeon I know of Professor Haagen's research work on hepatitis epidemica only insofar as he requested me to supply him with material for experiments, especially nasal smears, pharyngeal smears, gastric analysis, etc. of that small number of surgical patients, who were in my clinic (for instance 'appellitis') and hepatitis. I never learned of 'jaundice-experiments on humans,' that is, the carrying out of artificial infection of hepatitis of healthy persons. Nor did I ever learn of any such command or order by any one in this respect."

I offer this exhibit as Schroeder Exhibit No. 18

Now I come to the subject of typhus. First, there is an excerpt from the Diary of Dr. Ding - entry of the 17th of March 1942. An entry from the 8th of March. Document 265 of the Prosecution. On page 1331 of the German transcript the Prosecution concluded the responsibility of the defendant Schroeder in these experiments from the last entry by saying that the defendant Professor Rose was under the command of the defendant Schroeder at the time. From the entry in Dr. Ding's Diary of 17 March 1942, however, one can see that Professor Rose was section chief of the Institute Robert Koch in this capacity and not as a medical officer of the Luftwaffe.

THE PRESIDENT: Is that exhibit in written form? It does not seem to be contained in your document book - in the English document book.

DR. KARK: That is in the German transcript. That is on Page 36 - Document Book No. 12. That was not translated, I am sorry, Mr. President, because it is a Prosecution document. It is Document 287 - Document Book 12 - Document 287.

THE PRESIDENT: Counsel, is the portion of the exhibit to which you just referred - did you read from the Prosecution exhibit that portion of it - of the exhibit?

DR. MARX: Yes, that is Prosecution exhibit 287. Probably that is why it is not translated because the English text is already before the Tribunal.

THE PRESIDENT: My question was whether you read from that Prosecution exhibit?

DR. MARX: No, Mr. President, I did not read the Prosecution exhibit.

MR. HARDY: If it please Your Honor, I think it is most unusual for Dr. Marx to have these go in as exhibits and give them a number. He brought all these questions up to the defendant Schroeder when he was on the stand.....

THE PRESIDENT: (interrupting): I did not understand that Counsel for Schroeder had offered these as his own exhibits.

MR. HARDY: He has them marked as exhibits in the document book index and I was wondering if he was going to continue to follow that course.

THE PRESIDENT: They are not contained in our English document book.

MR. HARDY: They are in the index and he has given some argument in the index. He says: "Exhibit 20 - referring to the Ding Diary."

JUDGE SEBRING: I think this might be done, Mr. Hardy. Did you offer the entire Ding Diary?

MR. HARDY: We certainly did, Your Honor.

DR. MARX: Mr. President, I'm commenting on oral statements of the Prosecution in the German transcript, Page 1331 in the German transcript. May I read this passage?

"Excerpt from the Diary of the section for typhus and virus research at the Institute of Hygiene of the Waffen SS, 17 March 1942:

"Visit of Professor Gildemeister and Professor Rose, Section Chief for Tropical Medicine at the Robert Koch Institute, at the experimental station. All experimental subjects have contracted typhus except for two, where it could be ascertained later that they had already had typhus during an epidemic when they were in the police prison in Berlin. SS-Hauptsturmführer Dr. Ding contracted typhus and is in the hospital in Berlin. SS-Hauptsturmführer Hagen, post physician of the Waffen SS in Weimar, is, in the meantime, taking care of the stations at Blocks 44 and 49."

Then the further entry: 8th of March to 18th of March - "typhus experiments by initiation of Professor Rose." That does not apply here because we want to prove that in this matter Professor Rose was acting as section chief for tropical medicine at the Robert Koch Institute and not as a medical officer of the Luftwaffe. I offer this as Exhibit 19.

THE PRESIDENT: Let me understand, Counsel, just what you are offering as Exhibit 19. A portion of the Ding Diary which is already in evidence?

DR. MARX: Yes. That is an excerpt from the Prosecution document book, Document 265. In the German document book 12 on page 36.

THE PRESIDENT: The Ding Diary, being already in evidence, including the portion to which Counsel is now referring, it is not necessary - indeed, it is improper to offer that in evidence again. It will be available to Counsel to use in argument, whether by way of brief or oral argument or any reference which Counsel desires to make to it, but it is not properly offered in evidence a second time.

MR. HARDY: I submit, Your Honor, that Counsel has the same thought in mind in connection with several other documents, and I think we might dispense with going through this procedure again.

DR. MARX: Mr. President, I withdraw this document. Then I come to the subject of sea-water experiments and I submit an affidavit from the pediatrician, Dr. Ludwig Harrenhausen, who is at present in Marsburg, of the 9 of January 1947, and also an affidavit from Generalstabsarzt Dr. Friedrich Schmidt.

THE PRESIDENT: The first affidavit to which counsel referred is not in our English document book; the second affidavit, by Friedrich Schmidt is so included, but the first is not.

DR. MARX: I cannot understand that, Mr. President. It was turned in for translation as far as I know. I ask to reserve the right.....

THE PRESIDENT: The omission may be supplied and the affidavit offered but the next affidavit in the English document book is on page 72, that page following page 61, the other pages being omitted, and this is numbered Schroeder Exhibit #25; we have that

DR. MARX: This is an affidavit of the former Generalstabsarzt Dr. Friedrich Schmidt. As the Tribunal will remember, the Defendant Schroeder pointed out that Dr. Schmidt was commander of the Medical Academy of the Luftwaffe at the time -- and that he went to Dr. Schmidt to get experimental subjects from the students there. I shall read the paragraph which concerns this subject:

"I know officially that at the beginning of the summer term 1944, the office of the Chief of the Medical Services sent me an inquiry whether students of the Academy could be used as volunteers for sea water experiments. I do not remember details of this inquiry, in particular I do not recall the date and whether this inquiry was made orally or by telephone. This request had to be denied, as studies could not be interrupted during the term and as at the beginning of the university vacations the only students who were not required to do practical work in military or general hospitals (compulsory service for assistants), ordered to attend the officers' training school, or to work for their

examination, had to be drafted to medical service at the front in accordance with the Academy's training schedule. If it had not been for these difficulties regarding time, I would have had no objections to have my ensigns take part in the experiments as volunteers. I never heard anything more about the experiments and their execution. Before the end of the university vacations in the fall of 1944, all students of the Academy, except those who were preparing for their examination, joined the Medical Service in the field on account of developments at the Western front."

"Dr. Schmidt, General Stabsarzt."

I offer this as Schroeder Exhibit 19.

The next exhibit is a report of Professor Kalk, of the 13th of March 1945, about hepatitis research.

MR. HARDY: Obviously, this next exhibit purports to be a German document, a report dated 13 March 1945. Throughout the presentation of this case on the part of the Prosecution, we have in every instance submitted with the German document a certificate stating that this is an original German document and setting forth where the document was obtained; and it has been the procedure thus far that any submission of any documentary evidence, captured documents or otherwise, to contain or should have attached thereto such certificates in order to be admitted before this Tribunal. Now this obviously is a report by Professor Kalk and has no substantiation whatsoever. Therefore I object to the admission of this document at this time.

DR. MARK: Mr. President, I should like permission to submit the original report later if there are objections to the admissibility now; then I shall dispense with offering it at the present time if I may have the opportunity of doing so later.

THE PRESIDENT: The objection on the part of the Prosecution is well taken but counsel for the Defendant Schroeder may offer the document later with the proper description, where it came from, where it was found, etc., authenticating the document, which should be offered to the Prosecution so that it may be studied in advance. Then when it is offered to the Tribunal,

the Tribunal will consider any arguments that are made by either side and rule on the admission or non-admissibility of the document.

DR. MARK: Mr. President, I have a statement from a number of high German medical officers, officers of the Wehrmacht and the Luftwaffe, who are in a prisoner-of-war camp at the present time but who have all declared themselves willing to subject themselves to such sea-water experiments as were conducted at one time in the Camp Dachau. These gentlemen have declared themselves willing to do this because they have confidence in Professor Schroeder that he would never lightly undertake any such thing. I shall not submit this document today, however, because it is not in the proper form. I have just been informed that it is not translated. I ask to reserve the right to submit this affidavit later, when it has been translated.

THE PRESIDENT: Counsel may submit the document to the Tribunal at some later date. When all these documents which are not now in condition to be offered to the Tribunal are ready, if counsel will advise the Tribunal, the Tribunal will fix a time when these documents may be offered, after notice to the Prosecution.

DR. MARK: Thank you. Mr. President, I have concluded the submission of documents and thus I have finished the case for the defense of the Defendant Schroeder.

THE PRESIDENT: The Tribunal notes that the counsel for Defendant Schroeder has closed his case, with the reservation that the documents to which he referred may be offered at some later time.

I will hand to the Secretary General the original document that was submitted to the Tribunal this morning.

DR. RUDOLF MERKEL: I am counsel for the Defendant Dr. Karl Genzken.

THE PRESIDENT: You may proceed.

DR. MERKEL: With the permission of the Tribunal, I call the Defendant Genzken to the witness stand.

THE PRESIDENT: The Defendant Karl Genzken will take the witness-stand.

KARL GENZKEN, a defendant, ³⁷⁷³ took the stand and testified as follows:

JUDGE SEBRING: The defendant will raise his right hand and be sworn, repeating after me: "I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEBRING: You may sit down.

DIRECT EXAMINATION

BY DR. HERKEL:

Q Witness, when and where were you born?

A On the 8th of June 1885, in Freetz, in Holstein. I attended the gymnasium (high school) in Kiel and then the Gymnasium in Wandsbeck and in 1906 I graduated there. Then I studied medicine, first in Tübingen, in the first semester I served for 1 year as a volunteer musketeer; then in Harburg in 1908 I took my physical examination and then I studied in Munich and in Kiel. In 1911 I took my State examination and shortly after that the doctor's examination. I was an intern at Plauen at the city hospital under Professor Vogtland as a surgeon and under Professor Wendel as Professor of internal medicine. With the permission of the ministry I interrupted my year as an intern for 3 months and took part in a commercial expedition to Spanish Morocco. Then after my year as an intern in August 1912 I became active in the Navy. Until the war I was flotilla physician of a torpedo boat flotilla and assistant physician on a ship of the Line. In the spring of 1914 I went to our colony Tsingtau in East Asia and I was there when the first world war broke out. I participated in the campaign at Tsingtau against Japan. In 1915 I returned home by way of Honolulu and America. Then I was a ship physician on a cruiser. I participated in the Battle of Skagerrak.

The Commander of the submarines was on board our ship. I was a physician on his staff at the same time. From 1915 until 1917 I helped organize the Medical Service on submarines.

Q. What did you do after the first World War?

A. By the last of the War I was forced to look for a new method of livelihood. I settled down in my home town as a practicing physician, and I practiced for 15 years. Then for health reasons I had to look for a new position as an official doctor, and from inclination and love for my own profession of medical officer, I returned to the Navy. As a reserve officer I entered the Naval Medical Department in the Reich Ministry.

Q. What Ministry was that?

A. It was the Reichswahr Ministry, the Reich Defense Ministry. It was not possible to be reactivated here, therefore in 1936 I reported to the Waffen SS.

Q. When did you join the NSDAP?

A. In 1926.

Q. Did you ever have any function in the Party?

A. No, I have no function in the Party.

Q. Why did you join the NSDAP?

A. There were primarily social reasons which moved me at the time. After the first World War had been lost and the economic crimes of the inflation, I saw German youth on the streets unemployed. The program of the Party provided for alleviation of these conditions by productive unemployment compensation. I had to see the peasants forced out of their farms. The program of the Party provided for alleviation through a law to pay off the debts of the farmers, and the farmers were also to be protected by the law regarding inheriting farms. Another reason which motivated me was as a layman I was influenced by the idea that the well-being is to be the basis of evaluation of the National Economy.

Q. You have already said in 1936 you joined the SS, is that true?

Q. Yes, I joined with the rank of Oberstabsarzt. That would be the rank of Major in the American Army. In the SS it was equivalent to a Sturmbannführer.

Q. What was your last rank in the SS?

A. I was SS Gruppenführer.

Q. After you had had a good medical practice for 15 years why did you give up this profession and join the Party or rather the SS?

A. I have already said that there were reasons of health which motivated me to look for another profession, and that I had the inclination to the class of a medical officer.

Q. What was your position in the SS?

A. I was a referent in the SS Medical Office, under SS Oberführer Grunitz. Later I became Section Chief in this medical office. The supply of personnel and materials also went through my medical office for concentration camps, from 1937 until the beginning of the War in 1939.

Q. And what did you do after the beginning of the War?

A. At the beginning of the War I helped to set up a division. In my capacity as divisional physician I set up a medical section for this armored division. In 1940, in April, I was called back from the West front and then I became the head of the SS Medical Office or the Maffel SS, and information of the SS Hauptamt SS Main Office. This medical office had been set up at the same time. My medical office was added to the SS Main Office, the SS Hauptamt VII.

Q. And you held this position until the last?

A. I held the position until the end of the War.

Q. The Prosecution alleges from September 1939 until April 1945 you formed a conspiracy with the other defendants to commit war crimes and crimes against humanity. In this connection I ask you to answer the following questions: Do you know all of the other 22 co-defendants personally, and did you meet with them frequently?

A. I know only half of the 22 defendants. The other half I met here in prison.

Q. Then you know eleven?

A. Yes.

Q. Who are they?

A. Sievers, Rose, Ruff, Brack, Ramberg, Becker-Freyseng, Woltz, Schaefer, Bieglbock, Pokorny, and Hoven. Those I met here in the prison.

Q. And you knew the name of the defendant Hoven, didn't you? What did you know about him?

A. Well, I had heard that he was a physician at the Concentration Camp Buchenwald and the other eleven I had known then personally before.

Q. With which of them did you have official discussions and in what field?

A. I was at Professor Brandt's office on Ziegelstrasse once. The reason was that I was to discuss with him the appointment of Wehrmacht and civilian sector doctors to the Waffen SS. Then I talked to the defendant Rudolph Brandt once briefly in his office on some matter and correspondence, and Professor Handloser I talked to him personally three times in his office. The subject was the transfer of the doctors from the Wehrmacht of the Army to the Waffen SS, and another time we discussed the decontamination companies and the third discussion with Professor Handloser was in my office. He came to see me in order to inquire about the SS physician who was to be appointed to his section as Chief of the Wehrmacht Medical Service, but the Reichsfuehrer Himmler did not approve this. Then as Medical Chief of the Waffen SS I was called to two discussions with Professor Handloser as Chief of the Wehrmacht Medical Service where the other medical inspectors of the various branches of the Wehrmacht were also present. First it was a question of the distribution of medical students. The Luftwaffe had to give us several hundred medical students and the other time it was a question of the spiritual care for hospital patients.

Q And what did you discuss with Professor Schroeder?

A I had no personal or official talks with Professor Schroeder. I merely met him at these discussions with Professor Handloser which I have just mentioned.

Q Then how about Professor Gebhardt, Professor Mrugowsky and Dr. Poppendick?

A I met Gebhardt in peacetime as chief of the Hohenlychen Sanatorium which was a world famous specialized clinic for sport and accident surgery in peacetime. At the beginning of the war Professor Gebhardt came to the Waffen SS and was in a special confidential relationship as physician with Himmler since he had been a friend of the Reich Fuehrer in his youth.

During the whole war he was active as surgical adviser at the main focal points of wounded. Since he was at the front most of the time and worked as a surgeon there, and the rest of the time he was busy at Hohenlychen, he came to my office very rarely and he reported to me about his surgical experiences at the front. At the same time he was surgical adviser to the Organization Todt and in the "Volksdeutsche Mittelstelle", the racial German agency. From August 1943 on, on the occasion of the reorganization of the SS medical service, Professor Gebhardt as chief clinician entered the office of the Reich Physician SS and Police. I did not participate in any conference with him, the subject of which might have been to undertake experiments on living human beings.

Q How about Professor Mrugowsky?

A I met Professor Mrugowsky before the war in 1937 when he came to us as the first active hygienist, and in peacetime he established a hygiene laboratory in Berlin. In the war he was first a medical company chief. He was in the campaign in the West. Then he returned from there and in 1940 he became chief of the Hygiene Institute of the Waffen SS which was developed from the hygiene laboratory when the Waffen SS was created. He was at the same time the head of the hygienic service in my office, the office chief in my office, and until August 1943 at the time of the reorganization of the medical service which I have already mentioned, he was under my command.

After this time he entered the office of the Reich Physician SS and Police with his hygiene institute, but for budget purposes he retained the name Hygiene Institute of the Waffen SS. During his activity in my office he had the usual tasks of a hygienist for troops at the front and at home. Outside of my office with his institute he had hygienic, scientific duties of the Reich Physician and he was the senior specialist.

I did not participate in any conference with him either, the subject of which was scientific experiments on human beings.

A. And Dr. Poppendick?

A. During the war and before that, Dr. Poppendick was directing physician of the Race and Settlement Office and he was also an associate with the Reich Physician SS. In August 1943, at this time which I have mentioned, he was given the title Chief of the Personnel Office in the office of the Reich physician. I met him rather seldom. I talked to him rather seldom on official business since the Reich Physician, Dr. Grawitz, usually received me alone. I did not participate with him in any conference concerning experiments or research on living human beings.

Q. You have said that with these three physicians you never planned, ordered or carried out experiments on human beings and never discussed this?

A. Yes.

Q. Did you ever discuss this with any of the other defendants?

A. No.

Q. Did you yourself ever plan, order or carry out such experiments?

A. No.

Q. In what scientific medical meetings or lectures did you participate during the war?

A. I attended two congresses of consulting medical officers, once in 1942 in Berlin, and once in 1944 in Hohenlychen. I heard other lectures in the medical society in Berlin, about four to six a year, and then the Reich Physician in his office in 1942 had a few lectures.

I remember the following subjects: a lecture of a corps physician

who came from the front and reported on his experiences at the front concerning the transport and treatment of wounded. Another lecture was given by a member of the SS main office concerning recruiting. The directing physician of the racial German agency held a lecture about the medical service with the German settlers.

Then there was another lecture by a Professor Hauer in Berlin who told of his experiences as a physician in the first world war in Africa. Then another time the physician of the National Political Training Institutions told of his experiences in the medical service with the students of the institution. Then the Reich Physician also organized two lectures in the police state hospital in Berlin, the purpose of which was to have the police and SS doctors both together. The subjects were ballistics and a smashing of bones. And another time it was on hereditary biology and the study of twins, and there were corresponding lectures in the SS hospital in Berlin, once about x-ray science of the stomach and the intestinal tract, and another time about the autopsy findings of the SS hospital in Prague.

Then, in the Ministry of the Interior at the invitation of the Reich Health Leader Conti, I attended two lectures organized by the health leaders of Italy and Finland about the health systems in their countries.

Q That is a complete list of the lectures which you attended during the war?

A The ones that I can remember, yes.

Q Did you attend any medical lecture or discussion concerning the ordering or execution of experiments on concentration camp inmates with which you are charged by the prosecution?

A No.

Q Were there direct connections between your office and the office of General or Reich Commissioner Professor Brandt?

A No.

Q Is it true that in 1942 Grawitz ordered that you were not to contact Brandt, Conti, or SS men, office chiefs, without his approval?

A Yes, that is true.

Q Is it true that you heard in conversation with Grawitz of a statement of Himmler that Professor Brandt should not interfere in the medical service of the SS?

A Yes, I heard that statement from Grawitz.

Q To whom were the Waffen SS divisions at the front, assigned to the Army -- to whom were they subordinate as far as the medical service is concerned?

A Our divisional doctors at the front were under the corps army or army group physicians of the Army, and they were under the Army Medical Inspectorate or the Chief of the Wehrmacht Medical Service.

Q And the troops at home?

A They were under the medical office of the Waffen SS.

THE PRESIDENT: The Tribunal will now be in recess.

(Recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. MERKEL: May it please the Tribunal, before the recess we stopped at the relationship of subordination with regard to the SS troops.

BY DR. MERKEL:

Q. Where did you have mutual points of contact with the chiefs of the three branches of the Wehrmacht?

A. The point of contact was the assignment of medical officers on the part of the branches of the Wehrmacht to the Waffen SS. At that time there existed a big shortage in medical officers. Furthermore, the Waffen SS was lacking all reserve medical officers because these had been conscripted, even before the war, by the branches of the Wehrmacht.

Q. Were these medical officers furnished to the Waffen SS gladly?

A. As a result of this shortage of medical officers, big difficulties prevailed and I had to fight for almost everyone of the medical officers.

Q. Could you perhaps give an example of that to the Tribunal?

A. In the year 1940 - in November of that year - I had to furnish medical officers for a newly established division and I had to request 64 medical officers for that purpose. After long negotiations I received the last part of the 64 medical officers in June of the following year.

On another occasion, as a result of the wounded catastrophe, which has already been mentioned here and which was mentioned by Professor Brandt in connection with Vlasova, by order of the Fuehrer I personally had to turn six SS physicians over to the Army. Out of the six four were not returned to me.

Q. Did you have the impression that the medical chiefs of the Luftwaffe and the Navy gladly subordinated themselves to the agency of the Chief of the Wehrmacht Medical Service, which was established in 1942?

A. No, I had the impression that they did not like this measure at all.

Q. And why?

A. The conditions with the branches of the Wehrmacht, in particular in the case of the Luftwaffe and the Navy, were compared to the conditions

which prevailed with the Army and they varied too much from these conditions. I heard from the Navy that the Commander in Chief of the Navy considered the Office of the Chief of the Wehrmacht Medical Service as an interference in his field of competence.

Q. Was the Reich physician, Dr. Grawitz, subordinated to the Chief of the Wehrmacht Medical Service, Prof. Dr. Handloser?

A. Grawitz considered himself to be in an equal position with Dr. Conti. Dr. Grawitz felt himself to be in the same position as Dr. Conti. However, this was not specified in the Fuehrer's decree.

Q. What Fuehrer decree are you referring to?

A. I am referring to the Fuehrer decree which established the position of the Chief of the Wehrmacht Medical Service, which was ordered to the Reich Commissioner. And Himmler was not interested in removing this unclear situation that prevailed because he was striving for more power.

Q. I am now coming to your contact with Himmler. What was your relationship with Himmler? Did he establish clear conditions in the supreme medical relation, or not.

A. The first trial in this courthouse has shown that Himmler had two intentions. One he showed to Hitler, and the other to the members of the Waffen SS, and on the other hand he tried to obtain all the power in the State. In order to do this he had to camouflage most of his aims, and in this case he used to play out one person against the other, and in this way he left the supreme medical leadership in complete uncertainty, and he played out several physicians against Grawitz.

Q. Now what physician individually did he play out against him?

A. Through medical personalities, to whom Himmler gave his confidence, Grawitz was completely removed from the close proximity of Himmler. As I have already stated, Professor Gebhardt was in a special relationship of confidence to Himmler, since he had been a friend since his youth, and, furthermore, through his closest surroundings, there belonged a Sturm-bannführer Stumpfegger, who also had been a friend of Himmler during his student time. Then Himmler had a certain Dr. Baronkatz, a specialist for internal medicine, and also for heart diseases, and he included that person into his personal staff, and Dr. Baronkatz was a civilian. He was not a member of the SS and he was not subordinated to Dr. Grawitz, and although Grawitz was a professor of internal medicine, he appointed this Dr. Baronkatz as a family physician. At Dachau he established a research institute for him in order to carry out his heart research, and he also supported him with funds and other financial means. Furthermore, this research station belonged to an agency of the Waffen SS, the so-called "Weislauf Prüfungsstelle" where he was active as a Konservatorius. As a fourth medical personality, Himmler treated a certain Mr. Koester, who was a civilian Dutchman, and who allegedly had studied for seven school semesters at Helsinki, and who gave him treatment every day.

Q. Did Himmler also include your person into this circle?

A. Yes, he tried to do that. When, in the year 1940 or 1941, the

position of the Reich physician was beginning to shake, then I was told that I might take over the position of the Reich physician. I strictly refused to do this, and Himmler had me informed through my military superior, Obergruppenführer Justtner, that if Gensken and Grawitz cannot get along together, then the whole thing should be called to a halt.

Q. During your five years activity as medical chief of the Wehrmacht SS, how many times did you personally talk to Himmler?

A. During the entire war I have only talked to him on two occasions. One time this was in his headquarters in the field, that was in August 1943, when I had been ordered to see him together with Grawitz and Gebhardt, in order to discuss the reorganization of the medical service of the SS. At that time, without having previously been prepared, all the four office chiefs, and 11 hygienic institutes and pharmaceutical establishments were taken from me all at the same time.

Q. That was one discussion, and when was the second?

A. The second one took place in spring 1942, on the occasion of a discussion with the Italian Ambassador Alfieri, in his private home. Before the beginning of the meeting Himmler took me aside, and he reproached me very excitedly, that the wounded were given far too little to eat. I told him that a short time previously, the bread and potato ration had been cut by the authorities. On that occasion I also mentioned the subject about the dismissal of a chief of a hospital of one of the hospitals subordinated to me which had been ordered by Himmler. He alleged the matter to me for a reason which was lying about eight years back, and I gave him to understand at that time that I was unable to understand that, and that I could not understand his logic.

Q. Did you also cause the ill will of Himmler in other cases?

A. Yes; on one occasion I had to straighten out the previously mentioned Dr. Ferentz, because he intervened in my field of competence, because he stayed at his close contact with Himmler. On the other occasion, a letter which contained reproaches by the Defendant of Himmler, I was forced

to write a certain letter, and as Obergruppenfuhrer Berger informed me later on, Himmler had also been very excited when he read this particular letter.

Q. Was there any other serious incident between you and Himmler later on?

A. In the spring of 1942 there was a regular break. From the Racial and Settlement Office, Himmler had received a report from one of his Referents about a garrison in Poland which suffered a venereal disease rate of 70 percent. This report was not based on any facts, and immediately afterwards, I had this matter investigated by an SS medical officer, and completely normal conditions prevailed at that post. Himmler sent this letter together with an endorsement to all main offices of the SS and the army, with an endorsement which was to be read everywhere. In this letter he described the SS medical officers as having forgotten their duties and their honor, and when this letter was read in the Referent meeting of the SS leadership main office, I took up excitedly and I stated, in front of approximately 40 officers: "Even Heinrich Himmler cannot take my honor away from me."

Q. Did Himmler find out about this statement which you made then?

A. The later Obergruppenfuhrer Fegolein, who participated in this meeting, informed Himmler of it and he reported that to me later.

Q. And what did you do then?

A. I told Obergruppenfuhrer Jeutner, my military superior, that he could take over my office, and I told the Reich physician SS Dr. Grawitz that disciplinary measures should be taken against me. However this suggestion was not approved.

Q. Now what results did your relationship to Himmler have in the following time?

A. I had the feeling that personally I had become a "persona ingrata et incerta" with him and that I had lost all his confidence.

Q. Will you please tell us that in German now, witness?

A. Well, I think the expression "persona ingrata et incerta" means that he did not include me in his confidence anymore.

Q. Did you want to have a small theological article printed during the war?

A. In the Spring of 1944 I wrote a small theological work which I wanted to have printed privately in order to be able to distribute it in a circle of friends in England. However, the regulation was that all publications had to be submitted to him and this is exactly what I did. He wrote a personal letter to me and again its contents were very insulting to me and he refused to have this religious article printed.

Q. And one final question in this complex. What distinctions and awards did you receive during the war?

A. I considered distinction that I was not well-liked by Himmler and that in August of 1941 I was given the War Merit rious Cross as my last distinction. However, since August 1941, I was not given any further awards.

Q Now, Dr. Genzken, I am coming to your relationship to Reich Physician SS Dr. Grawitz. How long did you know the Reich Physician, and can you give us a judgment about his personality?

A I knew Grawitz since my entry into the Waffen-SS. That was in 1936. With regard to his person, I can say that Grawitz was a very regular human being. He was very smooth in his speech. He was scheming, a matter of fact person and he was an outstanding organizer. In any case he knew how to show off his organization, and he was very ambitious. His ambition was connected with his care for his position and which, of course resulted suspicion and a certain amount of inner insecurity; and in spite of his appearance in uniform, his behavior and his speech --

Q And what were the effects of this on your relationship to Grawitz?

A Grawitz was fifteen years younger than I, and we were two human beings with completely different temperaments. As a result of this, certain frictions existed.

Q At the outbreak of the war did you have an argument with him?

A Before the war and from 1936 to 1939, we were able to work together extremely well, and at the beginning of the war I was given a command at the Front which I have previously mentioned, and he tried -- together with the Chief of Staff who was then Sturmabfuhrer Dr. Dermitzel -- to keep the command at the Front which had been given to me. They wanted to go to the Front, and I was to remain at home. However, I was able to keep my position, and Grawitz told me on a later occasion that I had stepped very much on his feet.

Q As you have just stated, Grawitz was already in the first years of war completely removed from his authority by Himmler, and what results did this have?

A Then Grawitz had his field of tasks. He interfered in my military field of assignment constantly.

Q And what interference did he carry out?

A Without my knowledge, he interfered with my military authority which had been generally given to me by my superior, Obergruppenfuhrer

Justtner. Furthermore, he tried without my knowledge to obtain information from some of my referents, and he gave them the order that they were not to inform me of that fact. Furthermore, he also interfered in my correspondence, and he even did not hesitate in violating the secrecy of the mails.

Q What measures did you take then?

A Since I considered this interference as a disturbance of my work, I reported this to my military superior. The latter approached Grawitz on that subject, and at that time a line was made distinctly between our fields of tasks, and he also told the Reich Physician of his right to issue directives and instructions and also to the field of scientific planning and research, and he gave me the authority in the Medical Service of the units.

Q That is the Medical Service of the Waffen-SS?

A Yes.

Q Was it emphasized in that respect that the institutes and pharmaceutical establishments of the Waffen-SS were further to be available to the Reich Physician for his research assignments?

A. Yes.

Q. You have just mentioned the right of the Reich Physician to issue instructions and to carry out inspections. Can you give more details about that subject to the Tribunal, what you understand by that?

A. The Reich Physician had the authority to inspect, and to issue instructions to all institutes and to all units and all hospitals of the Waffen-SS and to give technical orders there without first going through regular Army channels.

Q. Does it also apply in particular to secret orders?

A. Yes. He was able to determine how many people were to obtain information about these orders.

Q. Did Grawitz ever tell you about his secret research assignments?

A. No. He never gave me any insight into this field or work.

Q. Why not?

A. According to the knowledge which I have obtained now, I think it was for the following reasons: first of all, there was the well-known Fuehrer's Decree for Secrecy, the so-called Fuehrer Decree No. 1, and, secondly, Grawitz knew that I had become a persona ingrata et incerta with Himmler, and I had the feeling that he had been instructed by Himmler not to tell me about his secret matters. I further had the feeling that after he had been removed from his position of authority, he saw in this field of scientific research a possibility to become indispensable with Himmler.

Q. Did you know anything about his secret research assignments from any other source?

A. No. I am surprised to discover from the trial here that he was actually participating in most of these experiments, but at that time, of course, I did not know anything about it.

Q. Did you know, for example, anything about the Department for Special Military Research in the Danenberke?

A. No, I did not know anything about it.

Q. Now, a final question to this whole complex: did you at any other time conspire with Grawitz and Finner to commit crimes and war crimes against humanity?

A. No, never.

Q. Witness, I am now coming to another complex of questions. You were chief of the medical service of the Waffen SS and in order to give the Tribunal a clear picture of your position and your activity I am now asking you to answer the following question: When was the Waffen SS established and what had been its predecessor?

A. The Waffen SS was established in the summer of 1940 from the SS Verfügungstruppe and the SS death head units.

Q. And how much personnel did the Waffen SS have at the outbreak and at the end of the war?

A. The Waffen SS had approximately thirty-six thousand men at the outbreak of the war. It was composed of the Verfügungstruppe and the death head units, and when the Waffen SS was established it altogether had fifty-six thousand men. That is a number which I obtained from the files of the first trial. At that time prior to the campaign in the west four divisions were activated; however, the fourth division was composed of police, SS, and also army units. At the end of the war there were thirty-six divisions in the field and together with the replacements, troops at home, the Waffen SS consisted of 560,000 men. I have obtained this figure also from the first trial. Together with losses, the following went through the files of the Waffen SS; there were altogether 900,000 men and the losses of the Waffen SS can be estimated as approximately 320,000. At that time fifteen divisions were still being prepared for action. That was before the end of the war.

Q. And what medical units were included in the SS division?

A. In the case of the first twelve divisions the medical units of a division consisted of two medical companies, one field hospital, and two medical trains - two hospital trains. They consisted of thirty train cars. Later on the field hospital or medical company was withdrawn. This was caused by the lack of personnel and material.

Q. At the beginning of the war had medical units of the Waffen SS already been established?

A. No. Such medical units did not yet exist at the outbreak of the

war. They all had to be established.

Q. And what was the entire medical personnel that was subordinated to you at the beginning and at the end of the war?

A. At the beginning of the war there were approximately 800 men and at the end there were approximately thirty thousand.

Q. What was the status of the medical schools?

A. At the outbreak of the war the SS medical academy was at my disposal for the training of the medical officers, and two medical schools. At the end of the war there were thirteen medical schools or special schools.

Q. And how many hospitals were at the disposal of the Waffen SS?

A. At the beginning we had two hospitals, one near - one at Berlin and one in Munich, and at the end of the war we had more than sixty, and about half of them were fully equipped with clinical equipment, and the other ones were specialized hospitals. These hospitals, just like our divisions, they were located all over the occupied territories and in the Reich. They were in Finland, the Eastern Front, the Southern Front, also in France and the Netherlands, and, therefore, it was very difficult to take care of the supervision of these hospitals. And, therefore, this took too much time. We were unable to take the necessary care of all these hospitals.

Q. Were there any medical depots, and what was their task?

A. At the outbreak of the war we had the main medical depot at Berlin, and towards the end of the war we had eight of these depots. And their task was to supply the units at the front and at home with appropriate medical material and equipment, and with medicine and dressings and things of that kind, and to furnish the necessary equipment to the hospitals.

Q. Furthermore, you also had hygienic institutes?

A. At the outbreak of the war we had the hygienic institute of the Waffen SS, and by August 1943, it was the longest time these institutes were subordinated to me, we added six further institutes, and while this

first institute was the only one which was located at home in Berlin, the remaining six institutes were located in the occupied territories. They were at Riga, Minsk, Japopotrowsk, Kiev, Reichkow, and Belbach.

Q. Now, how did your organization work at the Waffen SS? Would it vary from that of the medical inspectorate, the three branches of the Wehrmacht?

A. The three inspectorates of the branches of the Wehrmacht were able to work on the experiences which they had gained in peacetime. From the figures which I have given with regard to the Waffen SS indicate the organization of the medical service of the Waffen SS had to be newly established and under conditions of war. In contrast to the medical inspectorates of the branches of the Wehrmacht, we did not have the field of scientific research and planning in my agency. I also did not have the title of inspector.

Q. And at that time who took care of the scientific research and planning within the SS?

A. It was exclusively dealt with by the Reich Physician SS. That was for the entire organization of the SS and police.

Q. And in what field did you now have to overcome the greatest difficulties?

A. I have already mentioned that the biggest calamity or difficulty was the procurement of medical officers for the units which were to be newly established. It was especially difficult to obtain the necessary specialist physicians like surgeons, internal physicians, etc., and with the shortage of physicians prevailing at that time it was natural that the branches of the Wehrmacht and also the civilian sector did not like very much to assign physicians to the other units. And we had especially great difficulties in procuring suitable equipment for our hospitals because the branches of the Wehrmacht had already confiscated equipment in peacetime and they had started in suitable places. They had confiscated equipment and schools at the proper places, while we had at this time to begin in procuring our equipment and objectives. That was not only the SS

but also the other organizations like it, organizations like Todt, the Hitler Youth, the Labor Service.

Q. All these measures then were acute in June 1944.

A. Yes.

Q. Now, as a result of the developments of the war, especially through air attack, did you encounter any difficulties, and what was their effect?

A. As a result of the innumerable air attacks in Berlin, and also at other localities, severe damage and destruction was caused and as a result we were unable to function properly since my agency in Berlin was on four occasions damaged to a considerable extent through air attacks. I was forced in the summer of 1943 to find other quarters seventy kilometers from Berlin, and I transferred the larger part of my agency to that place and only had a small staff with the old agency in Berlin.

Q. And if I have correctly understood your previous statements, you would then state that your sole and exclusive tasks consisted of taking care of the medical service of the Waffen SS.

A. Yes.

Q. Now, did you have a purely organization activity in that task or did you also have a medical work.

A. As I have previously stated, I was mostly active in the troop medical service with organization matters.

Q. According to the extent of your activities which you have described to us, did you have a time and a possibility in excess of that to work yourself with scientific research assignments?

A. No. These scientific orders I had to depend upon the advice of my special collaborators.

Q. Did you ever make your appearance in public in any form as a scientist?

A. I have never had the opportunity to actively work in any research. Besides, in my work as a doctor I never published anything about medical work and therefore, in contrast to the other physicians of the Medical Service of the other branches of the Wehrmacht, I did not have the title of professor.

Q. Now, what did your staff consist of as Chief of the Medical Service of the Waffen SS?

A. I directed the work of my office with seven physicians, two dentists, two pharmacists, and two administrative leaders.

Q. Now, witness, please tell the Tribunal briefly about the organization of your agency. That is, the organization of the Medical Service of the Waffen SS.

A. First of all I was in charge of the organization and I worked on the secret files, the service regulations. Then I gave orders for new re-organizations. I directed the mail and the transportation system. Then comes the Director of the Personnel System, who was in charge of the personnel files and also the card index files and he was in charge of the training of replacements. We had to recruit medical replacement battalions. Furthermore, he had to take care of legal matters. Then comes the leader in charge of the administration. He was in charge of administering the thirty special hospitals. Then he was in charge of the care of nurses and he had to procure new hospital equipment and, furthermore, he was in charge of the financial matters. Then comes the Chief of the Medical System and the medical service of the troops at home and on the front were subordinate to him. He had to take care of the wounded and the pa-

tients and he had to take care of the transporting of the wounded and the patients. He was in charge of the hospital system and then he was in charge of establishing new medical units. He also took care of the welfare, supply, and replacement system. Furthermore, he was in charge of the convalescent hospitals. Then comes the Chief of the Dental Service. He had to take care of the dental patients, the personnel system and the procurement of replacements. Then comes the Chief of the Pharmaceutical Service. He had to procure all medicines, dressings, and equipment for hospitals and this also included the procuring of food and chemicals. Then comes the Chief of the Hygienic Service. He was charged with the billeting and sanitary conditions of the troops, the combating of epidemics of troops on the front and at home. He was also in charge of directing the hygienic institutes. That order appeared at the time of August 1943.

Q. Therefore, this is an extensive description of your agency?

A. Yes.

Q. Therefore, in the organizational plan of your agency there was also an agency for scientific research and planning not foreseen?

A. No.

Q. In August 1943 was there any important organizational change with regard to the subordination?

A. In line with the re-organization of the Medical Service Himmler gave the order that all my pharmaceutical establishments and hygienic institutes as well as my four office chiefs in August 1943 I had to turn all of these over to the offices of the Reichs Physician SS and Police. So these institutes came under the supervision of the Reichs Physician SS and Police.

Q. And from what period of time was that?

A. That was August 1943. That was when Gebhardt, Gravit, and I attended a lecture in the Field Command Post of Himmler at the headquarters and I have mentioned that already in the beginning.

Q. And this change was to become effective on the 1st of September 1943, is that correct?

A. At that time this order was directly dictated by Himmler.

Q. And what was Himmler trying to do with this re-organization?

A. In my opinion, with this he strengthened the position of the Reichs Physician, and the agency of the Reichs Physician SS and Police was built up in the sense of the scientific concentration and the clinical concentration with four educational agencies, it was the Chief of the Clinic, the Chief Dentist, Chief Pharmacist, and Chief Hygienist. On the other hand Himmler was placing me at a disadvantage in my position and he made my work more difficult. I had to work with younger people and I had to achieve the amount of work with more inexperienced personnel in the Medical Service.

DR. MERKEL: May it please the Tribunal, I am now coming to the sulfonamide emulsions. Perhaps it would be a convenient time now to call a recess.

THE PRESIDENT: The Tribunal will be in recess until 9:30 o'clock Monday morning.

(The Tribunal adjourned until 0930 hours, Monday, 3 March 1947.)

1947

3 March 1947-1-1-Foster (Int. Genant)
Court No. 1

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 3 March 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in court with the exception of the Defendant Oberheuser who is absent due to illness.

THE PRESIDENT: The Defendant Oberheuser's condition is serious and she is now in the hospital. It appearing that her absence will not prejudice her case, the defendant will be excused from attendance. The Secretary-General will note for the record the absence of the Defendant Oberheuser.

KARL GENZKEN - Resumed

DIRECT EXAMINATION (Continued)

BY DR. MEHREL (Council for the Defendant Genzken):

Q Witness, I am now coming to the individual experiments, which were carried out. First of all, the sulfanamide experiments in the concentration camp Ravensbruck. In the previous presentation of the prosecution this has only been mentioned on two occasions. That was at one time an effort with from the co-defendant —

A. HADY: May it please the Tribunal—pardon me for this interruption—the prosecution wishes to state that they will withdraw the charges against the Defendant Genzken in connection with the poison experiments and the incendiary bomb experiments in as much as they were conducted after the time that Grunitz took over research, that is after August of 1943.

Will it be necessary for me to repeat?

THE INTERPRETER: We can't hear you.

MR. HARDY: At this time the prosecution wishes to withdraw the charges against the Defendant Gensken in connection with the incendiary bomb experiments and the poison experiments as set forth in the indictment. I think it will be more expeditious for the presentation of defendant's case if defense counsel will refrain from covering those two issues.

DR. MERKEL: I shall consider this fact in the course of my examination of this witness.

Q (By Dr. Merkel) I am now coming to the sulfanamide experiments --

THE PRESIDENT: Just a moment, Counsel. The Secretary-General will note for the record that the prosecution has dismissed the charges against Defendant Gensken under Specification K, experiments with poison, and Specification L, the incendiary bomb experiments.

Q (By Dr. Merkel) Therefore, in connection with the sulfonamide experiments you are mentioned in two experiments, one of them in connection with an affidavit of the Co-Defendant Fischer, who stated that you attended his lecture at Hohenlychen, and Gebhardt's lecture at that time in May 1943. You were mentioned on the second occasion when in the course of the presentation of evidence of the prosecution, Hygiene Institute of the Waffen SS was mentioned which furnished the gas gangrene cultures for these experiments. It was stated in this respect that the Hygiene Institute was subordinate to Dr. Krugowsky and that the latter until August 1943 was subordinate to you. I therefore put the following question to you, witness, in this connection: When did you first find out about the experiments with sulfanamides in the Ravensbrück Concentration Camp?

A As far as I can remember that was in the summer of 1943. When I returned from my gallstone illness, shortly thereafter, at that time I discovered that Dr. Fischer had given a report on some congress according to which sulfanamide research had been made by Professor Gebhardt and him, and that the patients ward at Ravensbrück had been put at his disposal for that purpose. As a result, it had been achieved that the most part of the supply of sulfanamides at the front continued to remain in the surgical department.

And where did this meeting take place?

A. As I found out afterwards on the third meeting of the consulting medical officers in Berlin, it was in the Military Medical Academy, and it took place in May 1943.

Q. Did you yourself participate in that meeting?

A. No, I did not attend.

Q. Your Co-Defendant, Dr. Fischer, has stated in his affidavit of the 21st of October 1946, Document 472, Prosecution Exhibit 234 in Prosecution Document Book No. 10, page 94, he has claimed that you participated in that meeting. How do you explain the contrast?

A. Well, I was unable to be there because I was sick and I have not heard that lecture.

DR. MERKEL: May it please the Tribunal, in order to support the statement of the witness, may I present two affidavits here in evidence. First, Document Genzken, Number 7. That is on page 15 of my document book which I offer as Genzken Exhibit 1. It is an affidavit of Erich Burkhardt and reads as follows:

"I was SS-Unterscharfuhrer, and during the years 1943 and 1944 I was the driver of the former chief of the Medical Office of the Leffen-SS, SS Gruppenfuhrer Dr. Karl Genzken.

THE PRESIDENT: One moment please, is that in the English Document Book:

DR. MERKEL: May I repeat please, it is Document Genzken, Number 7, on page 15 of the Document Book.

"I remember that toward the end of April or the beginning of May 1943 I drove Dr. Genzken from Berlin to Karlsbad to take the cure. Stabsarzt Grossmann accompanied him on this trip. I dropped Dr. Genzken in the SS-hospital at Karlsbad and drove on with Grossmann on an official trip to Prague for a few days. From there we returned to Berlin.

"Toward the end of May 1943 I fetched Dr. Genzken from Karlsbad after he had finished his cure."

I further offer Genzken document No. 10. It is on page 24 of my document book. I offer it as Genzken Exhibit No. 2. It is an affidavit by

Herbert Grossmann and I quote:

"I was Chief of Medical Affairs, and Personnel Official for Medical Personnel of lower rank in the Staff of the Medical Chief of Waffen-SS, Dr. Karl Genzken, from 1942 until the end of the war. I was constantly together with him.

"I knew that he had to take a treatment at Karlsbad, on doctor's orders, in the Spring of 1943; when he wanted to start on his journey to Karlsbad, he informed me about it, and requested me to accompany him, in order to undertake a personnel inspection at the SS-station Karlsbad and at the SS-hospital at Prague, on this occasion. I agreed, and went to Karlsbad, together with Dr. Genzken, in his staff car, approximately in the last days of April or in the beginning of May. Dr. Genzken got out there, while I carried on my official duties in Karlsbad and Prague, and then returned to Berlin by Dr. Genzken's car. I know that Dr. Genzken remained in Karlsbad for four weeks to take his treatment, and returned to Berlin towards the end of May, or probably only at the beginning of June. Owing to the strenuous treatment at Karlsbad, Dr. Genzken was not entirely fit for work during the first time after his return to Berlin.

"In my opinion, it is therefore absolutely impossible, that he took part in the Eastern Congress of Medical Officers in the Military Medical Academy in Berlin, from 24 to 26 May 1943."

That is the end of my quotation. And, it should be indicated in connection with the testimony of the defendant, it should have been proven sufficiently, at that time he had not heard the report of Professor Buchner respectively of Dr. Gebhardt.

Q Witness, do you know anything about the fact that gas gangrene and streptococcus was furnished at Ravensbruck for the sulfamilex experiment?

A No.

Q When did you find out about that?

A I heard that in the course of a preliminary interrogation.

Q Where did this preliminary interrogation take place?

A Here in Nurnberg.

Q Witness, please make a short pause between my question and your answer. When did you hear about the origin of the cultures which were used in the experiments at Ravensbruck?

A I only heard that from the documents here.

Q Do you know that those used at Ravensbruck are alleged to have been furnished by the Hygienic Institute of the Waffen-SS?

A No, I never heard that.

Q Did you, as Chief of the Medical Office, receive any report from the Hygienic Institute or any other information about that?

A No, I never received that.

Q Why not?

A The Hygienic Institute of the Waffen-SS was the only Hygienic Institute in the homeland, and it was not only available for assignments by the Waffen-SS but also for the many remaining formations and units of the SS. It was also at the disposal of the Reich Physician SS for his tasks in the field of scientific research. In line with his authority to issue instructions, he could issue orders to the Hygienic Institute and he could also issue secret reports, and by virtue he was then able to say what persons could obtain knowledge of them; however, my person was excluded from that.

Q Did the Reich Physician SS Grawitz tell you anything about those experiments?

A No, as I have already stated on Friday, he excluded me from all his experiments and he did not give me any information about them whatsoever.

Q Did not the co-defendant, Professor Dr. Gubhardt discuss the subject with you?

A No, he has never discussed it with me. And I have heard of those experiments like everybody else, in the public and during the course of the report of Fischer's.

Q And, just why did Professor Gubhardt fail to tell you anything about it?

A I do not know.

Q Do you know of any correspondence with regard to sulfanilamide experiments, and did you ever see any, officially or unofficially?

A No.

Q The information which you just gave to us, where did you obtain this? Did you give this information voluntarily at the time of your interrogation or did the Prosecution ask you for that at the time of your interrogation?

A I was asked what I know about such experiments, and then I made the statement voluntarily, which I have just reported.

Q I am now coming to paragraph 6-J, the Typhus experiment. Witness, as I have already stated, scientific research and management was not within your field of tasks; that it was that of Reich Physician Grawitz. Did this also include Typhus research and the manufacture of a new vaccine against Typhus?

A Yes.

Q According to your knowledge, what was the reason for manufacturing your own vaccine?

A It has already been mentioned here during the course of the trial, in the year 1941, at the front in the East, and also in the occupied territories and even

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already within Germany there was a great danger of typhus epidemic. And there was very little vaccine in order to combat typhus because the manufacturing from the intestines of lice was very difficult, and that was the reason.

Q. Now, who decided and who gave the orders about the typhus research and the manufacture of a new vaccine?

A. It was within the field and the competence of the Reich Physician-SS who as the Chief Hygienic Inspector, consulted Professor Grawitz, and in any case, he did not give me any order in that connection, and I have not received such an order from any other side.

Q. What orders did Grawitz give? Do you know anything about that?

A. By virtue of his authority he ordered Sturmbannführer Dr. Ding to establish an Institute to carry out research on Typhus and in order to manufacture vaccine. And, for this purpose he furnished the Concentration Camp Buchenwald, and the use of prisoners who, by order of Himmler, and with the consent of the Inspector of the Concentration Camp, they had been furnished.

Q. Well, when did you first obtain knowledge of this plan?

A. I cannot give the exact date of this, but I assume that I heard about the plan either in the course of the appointment of Dr. Ding to his transfer to this camp at Buchenwald, or somewhat later as a result of his sickness, according to the affidavit which has been presented here, Dr. Ding himself, was infected with typhus during the experiments, and I am quite sure that was reported to me.

Q. And, who reported the sickness of Dr. Ding to you?

A. I assume that the SS-hospital at Berlin made the first report to my agency.

Q. Well, were you not consulted by the Reich Physician-SS in connection with these experiments and executions?

A. No. I was not called to any meeting or discussion in line with these experiments. I was not called to a meeting where the extension and the location

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of the institute was concerned and discussed, nor was I consulted about the progress of research, and I was not asked either about the progress with the vaccine in the manufacture of the vaccine. And, I was not asked either about theory in which the inmates were used.

Q. Why did Grawitz exclude you from all that?

A. As far as I can look over the whole situation today, I am of the opinion that he considered me a personingrate, and that he wanted to exclude me from everybody on account of that. And, he knew that Himmler had withdrawn all his confidence from me and I heard from Professor Brugowsky that he had stated on several occasions that Grawitz was not to concern himself with scientific research.

DR. HERKEL: May it please the Tribunal, may I present another document in this connection. It is document Gensken No. 1. It is on page 1 of my document book, and I offer it in evidence as Gensken Exhibit No. 3. It is an affidavit of co-defendant Dr. Brugowsky, and I quote:

"In approximately spring 1943, I believe it was at a conference of reports to the Staff of the Chief of the Medical Office of the Waffen SS, a conversation took place among other subjects, about the competence of the medical offices of Grawitz and Gensken. During the conversation I mentioned that Grawitz had often told me that he alone was responsible for all matters concerning research and planning of the Medical Section within the SS. Dr. Gensken had nothing to do with it.

Thereupon Dr. Gensken confirmed this statement as Grawitz had also told him about this limitation, and underlined that he was only responsible for the medical service for the troops of the Waffen SS, for which Justinger, the chief of the SS Operational Main Office, was responsible in military matters.

"In addition to my affidavit of 17 October 1946, Exhibit No. 282, I make the following statement: In number 4 I testified that Dr. Gensken had the foundation of the Department for typhus and virus Research at the Hygiene Institute of the Waffen SS in Buchenwald Concentration Camp,

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and appointed Dr. Ding Chief of this Section at the beginning of 1942. I am certain that this was in 1943 and not in 1942. At the beginning of 1943 Dr. Ganzken approved Dr. Ding's proposition to call the place of production of typhus vaccine for the SS: 'Section for typhus and virus Research at the Hygiene Institute of the Waffen-SS.' "

... that is the end of the quotation. Dr. Brudowsky's name was mentioned here in paragraph 2, but it has been corrected from what was contained in Prosecution's Exhibit No. 282.

Q Witness, how frequently did you visit the Institute in Buchenwald, officially or unofficially?

A I have never entered the Institute and I have never seen it. The description and the titles of Block 46 and Block 50 were completely unknown to me until that time and I have only heard of these for the first time here in the Palace of Justice.

Q Why did you fail to visit this Institute at Buchenwald?

A I never felt responsible for this experimental station in Block 46 and I was mainly interested in the results of the manufacturing of the vaccine in Block 50 which as I now know was stopped up in the summer of 1943, and as Dr. Bogar stated in the middle of August, 1943, it began its production only in the late fall of 1943 and the production of the vaccine really got under way. That was at a time when I was not responsible any more.

Q Why were you not responsible any more at that time?

A The period of time that was at the end of August 1943 was before the period of time before the medical service of the Institute was reorganized with the entire SS and the office of the Reich Physician SS was newly organized according to the location of the clinics, and with that period of time, as I have already stated on Friday, the Hygiene Institute came under the Agency of the Reich Physician SS.

Q Did you from Block 46 receive any written reports about Ding's activities?

A No, I have never received such scientific reports. I have never seen them. They were never submitted to me and I have never read them.

Q But Ding, as can be seen from his diary, submitted many reports. To whom were they addressed?

A As I have heard herewith the course of the trial, these reports, as far as they went, over Professor Sugowsky, they went directly to the Reich Physician SS so that he could further report to the Reich Physician.

Q How when were you first informed about this matter by Professor Brugowsky?

A I cannot give you the exact date and I cannot remember it exactly, but it is possible that this was in the spring of 1943. I remember that he reported to me that the probable result of the production of the vaccine and that it was planned that thirty thousand portions of the vaccine would be available for the troops of the Waffen SS. I can also remember that he told me on this occasion about two further vaccines, one vaccine came from the army and the other came from a civilian firm, and he told me that the vaccine which we had was that of Gebhardt. That it was intended for the Wehrmacht. That is the only information which I can recall.

Q Can you perhaps remember any charts which Professor Brugowsky showed you on that occasion?

A I cannot remember that Brugowsky had any documents with him.

Q What did Brugowsky tell you about the number of experimental subjects, the number of fatalities and the extent of the experimental series?

A He cannot have told me very much in detail and this whole report must have been very short, because the numbers of the experimental series and fatalities was shown to me for the first time here in the Palace of Justice.

Q Won't you say with that that you would have reacted differently if you had been informed in detail about these matters by Dr. Brugowsky?

A Yes, I am certain that such big numbers certainly would have remained permanently in my memory. They would have caused a reaction which would have had a very strong effect on me.

Q Did Professor Brugowsky tell you anything about this intentional injecting of concentration camp prisoners?

A If Brugowsky had told me anything about the fact that people were purposely injected then this fact would also have become firmly established in my memory so that I would have been able to remember it to-

day. However, I am unable to remember it.

Q Well, but you did have knowledge that prisoners were used for clinical purposes, or what did you think these people were being used for?

A When I heard about this for the first time and when I thought of the experimental series in order to test the effectiveness of compatibility of the vaccine, and after I also heard from the Reich Physician at the beginning of the war that scientific experimental series were used by two Dutch physicians by the name of Zahn and Sachsenhausen, they were used in research, and similar experimental series were carried out at Dachau in the beginning of the war by a certain Dr. Von Beyer, and myself during my imprisonment at Neuengamme in 1946, as camp physician, I have also seen that the English used hundreds of us for experimental series. That was in order to test a new vaccine against influenza.

Q Did you ever think as a result of the information which you got from Dr. Bugowsky that these people were purposely infected?

A No, because I had not received any previous bacteriological training, I did not reach this bacteriological conclusion. I assumed that observations were to be carried out on people who had been vaccinated and those who had not been vaccinated on the occasion of an epidemic, and it did not seem astonishing to me that typhus should occur in as big a camp as Buchenwald, and I was thinking that some solution was to be found for that.

Q Did you receive any hygienical preliminary training?

A From 1906 to 1911 I have studied. At that time in the State examination of Hygiene, Bacteriological and Seriological subjects was not required. We only had to give proof of the fact that we had participated in a vaccination training course, and in the course of this training the students had to vaccinate each other. Subsequently, I was unable to carry out any research activities because of the first world war. At the time of the first world war I had interrupted my surgical

training and then I was organizationally 15 years active in the Navy Section submarine and later on I was ten years with the Waffen SS and I mainly occupied myself with organizational matters and in the big field of Hygiene, the field of bacteriology and seriology, and in particular the field of the production of a vaccine, represented a specialized field and I was unable to deal with it.

Q Did you make a mistake in the course of your previous interrogations with regard to passive and active immunizations?

A Yes, that is correct, but as I have heard in the meantime, the same thing has happened to other physicians at some time or other.

Q At the third meeting of the consulting physicians in May, 1943, did you hear the report of Mrugowsky?

A No, I did not hear the report because as I have already stated I did not attend this meeting.

Q Is that the same meeting in which Fisher gave his report about sulfanilamides?

A Yes.

Q Do you know Dr. Ding personally?

A Yes, I made the acquaintance of Dr. Ding at the hospital in Berlin, and during the first half year of the war when I was a divisional medical officer he was my adjutant and during this period of time as a result of the comradeship we became friends, which you can describe as a fatherly, friendly relationship.

Q. You have heard the statements of the witness Kogan about Ding. Is this description sufficient or do you want to add anything to it?

A. Dr. Kogan's ideas are correct in my mind. I believe that a mistake was made in the interpretation.

Q. Yes, that is correct.

A. Ding was a clever ambitious young man. He had a very friendly manner and perhaps on some occasions he was too friendly and he had a tendency to exaggerate. He had lived through a very hard youth. He was an illegal child and had been adopted and had to work through his studies. Out of sympathy for his difficult past I began to take care of him and then this fatherly relationship began to form. However, in this connection I want to point out that it was a relationship of mutual respect. He was twenty-five years or more than twenty-five years younger than I. We have addressed each other in a familiar manner. In Germany we make a difference between "du" and "Sie" - between thou and you. In any case we never addressed each other in the familiar manner and during his stay at Berlin he was never a guest in my house. If I may say so, I had such a relationship with several SS physicians and I can name several.

Q. I believe, witness, that this will be sufficient. Witness, Kogan testified that Ding wanted to exploit you in your position.

A. Yes, I also gained this feeling after some time. I felt this: Ding was trying to gain through my position and that he wanted to succeed me.

Q. On what was your opinion based?

A. When I read the diary then, the entry of the 9th of January came to my particular attention. That is the entry which is also used as a point in the accusation against me.

Q. Let me interrupt you, witness. This is Document 265. It is -
- tion Exhibit 287. It is on page 41 of the Prosecution Document No. 12.

A. According to this entry I am alleged to have given the order for the change in the title of the institute. In reality, I only gave the approval for that and, as Dr. Kogan has correctly stated, I gave the approval

for the re-naming of the institute which was producing vaccines and Ding changed this re-naming in his order and I believe that he was trying to give me the credit for this. That is my opinion.

Q. In this entry of 9 January 1943 you were named as SS Gruppenfuehrer. Did you have that rank at that time? SS Gruppenfuehrer?

A. No, and because of this reason I want to mention that date of 9 January 1943, because I only became Gruppenfuehrer on the 30th of January, and I assume that the approval for the change in the name of the production establishment comes together at the same time as the information which I received from Dr. Krugowsky and which I have mentioned before.

Q. In the entry you are also mentioned as Lieutenant General of the Waffen SS. Were you that also on 9 January 1943?

A. That came simultaneously with the appointment to Gruppenfuehrer.

Q. Ding claimed that he was main department head. Did any position like that exist in Department 16 of the Waffen SS?

A. No, the position and title of head of Department 16 never existed. He only drew funds from my office because he had been detached from the personnel office through the Reich physician and this perhaps was also a little exaggeration.

. In the course of his examination the witness Kogan - and this is on page 1230 of the German record - said that you had given the approval for the establishment of the department for typhus and virus research. Is that correct?

A. It was not, as Kogan stated, an "establishment", but it was a re-naming of the new production facilities. That was occupied in the middle of August, as I have already stated. It only began its production in late fall. That was at a period of time when I was not responsible anymore.

Q. But then why was the name of the research department approved when this actually was a production establishment?

A. That in itself is a contradiction of the objective. It is a contrast in the title. However, Kogan has probably given the correct explanation.

nation. The name of this production establishment was suggested by Ding. That was in copying the Army which had an institute for virus and typhus research at Cracow and it likewise had a production establishment there for vaccines.

Q. Ding frequently, without any doubt, was in Berlin also with you. On the occasion of one of his visits at Berlin in the time of 1942 until August 1943 did he give you any details about the experiments, especially about the infecting experiments?

A. No, a report about the infecting process would certainly have remained in my memory, as I have already stated previously, and I cannot remember that he had ever discussed the subject with me.

Q. During this period of time - that is to say, from 1942 until 1943 - did he visit Berlin frequently?

A. I have relatively little contact with him at Berlin. Dr. Kogen is probably right when he states that the experiments of Ding were two to four or six experiments per year, and in early March 1943, according to his affidavit, he was sick at that time and he was also taking a convalescent leave in Malente and, as he himself states in the affidavit, he was then detached to the Pasteur Institute at Paris and he returned from this assignment towards the end of October. So that from March to October Ding was not carrying out any official duties. It may have been in the last week of March, at the time I made a trip to the front - it was a trip to the Eastern front. That was a sector near Leningrad. At that time I was together with Italian medical officers and on my return trip near Riga I had a gall colic attack and then I worked several days in Berlin in order to somehow settle the work which had accumulated in the meantime, and then, as it has been described in the affidavit, I was in May at Karlsbad for convalescence. Then, approximately in the middle of June, I had again recovered to such an extent that I was able to resume my work. From the annual report of 1943, which Sturmbannfuehrer Ding compiled and which is included here in the documents, it is indicated that Ding towards the end of June until the middle of August was also taking a vaca-

tion on a Baltic sea island near Ruegen. Then, from spring 1942 until August 1943, there were only few winter months and according to the diary it is in these winter months that the main activity was carried out by Ding in his research institute and I believe that at that time the chances of my obtaining any information were very slight.

DR. KERNEL: May it please the Tribunal, in order to complete the record, I want to mention the 2 documents which have just been mentioned by the witness. One is an affidavit by Dr. Ding-Schuler, document 257, Prosecution Exhibit 283; and the report of Ding is Document 282, Prosecution Exhibit 286. Both documents are located in Document Book 12 of the Prosecution.

Q. Now, witness, how can you explain the fact that you did not find out anything in detail from Ding about his research activity?

A. I certainly was worried about it and I reached the following conclusions: Ding knew that a strained relationship existed between Grawitz and me and my intentional withdrawal from the fields of assignments and field of competence of the Social Physician within the fields of science and research. Furthermore, Ding knew of my lack of knowledge in bacteriological and serological fields -- he knew that from my previous education and training; the possibility also exists that the relationship of respect which existed between him and myself, which Korman described as a paternal relationship -- that this caused him to refrain from telling me any details. And then with a scientific ambition, which Dr. Korman has also described, this may have caused him to refrain from giving me any more details, so that he would not be hampered in his work and his progress. Perhaps he was afraid that my attitude would be different from his and therefore avoided discussing the infecting procedure with me. As for myself, I did not discuss further details because my work in the troop medical service confronted me with other tasks which gave me cause for much worry and troubles.

Q. Dr. Korman reports in his testimony about official and private correspondence between you and Dr. Ding. That contains all

the official and what contents did the private correspondence have?

A. I have already stated that I have not read the scientific reports -- that they were not submitted to me; I cannot remember the contents at all in detail of the official correspondence which perhaps Ding addressed to my agency. Nor can I remember that anything was contained in the private letters which might have given details about his activities.

Q. Now why did you not at your own initiative try to obtain details about the experiments at Buchenwald? How can you explain that fact?

A. I never felt responsible for the experimental station. Proof of this is the fact that I never visited it. I was mainly interested in the results which were achieved in the production of vaccine at the production place; that was the interest in my troops. Furthermore, this was the express field of tasks of the Reich Physician because it was within the field of scientific research. I, as Chief of the Medical Service of the Waffen-SS and Office Chief of the SS Leadership Main Office, did not have any competence about the concentration camps and I had no business in looking into affairs with regard to the prisoners and I was unable to issue any orders in that respect. As I have already mentioned on several occasions, as a result of my relationship to Grawitz I was particularly reserved, I made every effort to keep away from his field of competence, the bacteriological-serological field; and regarding the production of vaccines in my field I have already stated in detail.

Q. By when was Ding appointed as Chief of the Experimental Section at Buchenwald?

A. Grawitz appointed Ding as chief and he initiated the order with the SS personnel office that he was transferred.

and detached.

Q. Did Grawitz authorize such a transfer of Ding?

A. Yes.

Q. Did Dr. Ding have the same capacity as the Camp Medical Officer at Buchenwald?

A. Grawitz, in conjunction with the physician in charge, Standartenführer Dr. Bolling, ordered that Dr. Ding was to work besides the camp medical officer.

DR. KERNEL: May it please the Tribunal, I consider this appropriate time to offer certain documents in evidence at this time. The witness has already stated several times that Ding was detached to Buchenwald. I now want to offer Gonzen Document 14, on page 30 of my document book, which I offer as Gonzen Exhibit No. 4. It is an affidavit by the former Chief of the SS Leadership Main Office, Justtner, and it reads as follows. (This is a supplement to my document book and is on page 30.) I quote:

"There were two kinds of military assignments:

"1. Detached service within a unit on temporary duty, such as orderlies and clerks. They were under their old superiors as far as discipline was concerned.

"2. There were assignments equivalent to a transfer. These assignments were given if the unit to which the person concerned was attached did not yet have its budget set up and the person concerned had to continue to be paid by his old paymaster. Soldiers whose assignments was equivalent to a transfer were no longer under their old disciplinary superior, but under the superior to whom they had been attached."

The defendant himself has made a little chart which shows the subordinate procedure of blocks 46 and 50 in concentration camp Buchenwald. It shows the relationship of subordination of Dr. Ding; this is Gonzen Document 11 on page 26 of the

document book and I offer it as Gonzken Exhibit No. 5. May it please the Tribunal, I believe that on the translation which has been submitted to the Tribunal a broken line was not contained. There should be a broken line from the Reich Security Main Office on the left side of the chart which should go from there to the Reich Criminal Police Office directly below and it should go from there to Block 46.

JUDGE SEBRING: Will you repeat that, please?

DR. KRESEL: There should be a broken line. This line should be inserted on the left side of the chart from the Reich Security Main Office down to the Reich Criminal Police Office and from there it should be continued to Block 46. This shows that certain official contact would have to be established and I want to apologize that this line was not included in the chart. In order to identify the chart the defendant himself has posted an affidavit and that is Gonzken Document 12, on page 27 of my document book, and I offer it as Gonzken Exhibit No. 6. I quote:

"I give the following explanation to the annexed chart 'Direct connection with superior agencies until 31 August 1944.' I want to emphasize in this connection that I learnt about the terms 'Block 46' and 'Block 50' only in the course of the trial.

"The typhus experimental station - Block 46 - was ordered by the Reich Physician as he had appointed Ding as chief. Therefrom results the direct subordination under the Reich Physician SS, see connecting line in the chart between Reich Physician and Block 46.

"As the typhus experimental station was established with a concentration camp, clinically using convicts with convict nurses, this station was administered by the administration of the concentration camp Sachsenhausen. Therefore was adminis-

Subsidiary under the Inspector of Concentration Camps or the
Economic and Administrative Main Office, which had a medical
service of its own, of which in turn the Reich Physician SS
was the expert superior."

As I know today, the prisoners, pursuant to an order by Hessler, were assigned at the beginning by the Inspector of Concentration Camps to the command by the Reich Criminal Police Office itself, which for its part was a department of the Reich-Security Main Office, whose medical care again rested with the Reich Physician SS and which therefore again was under the command of the Reich Physician SS, as far as medical matters were concerned.

Furthermore, there occasionally existed direct contact between the head of the experimental station, Dr. Ding, and the personnel staff of Himmler.

"The prerequisites for a vaccine having been created, the site for the production of vaccines was prepared in Block 50 in the course of the spring and summer of 1943 and occupied the middle of August 1943. Production itself began at the beginning of the winter of 1943 there. This production site, under the new name of 'Section for Typhus and Virus Research, Hygiene Institute of the Waffen SS, Chief of Technical Affairs' was directly attached to the Hygiene Institute of the Waffen SS in Berlin, since the vaccine produced was chiefly destined for the front troops of the Waffen SS. It was referred only to the vaccine production site.

"Ding held at the same time the combined offices of head of the production site and of the experimental station, which he at this time designated under the name 'Section for Typhus and Virus Research.'"

The co-defendant, Dr. Gensken, has seen the charts and the affidavit by Dr. Gensken. On page 25 of the document book, Document No. 13, which I offer as Gensken Exhibit #7, Dr. Gensken states the following, and I quote:

"As to documents, Gensken No. 11 (Chart on Ding's connection with superior agencies, until 31 August 1943) and Gensken No. 12 (affidavit by Dr. Gensken of 13 February 1947) have been shown to me. After careful study of the two documents I concluded them to be correct;

they represent the real facts truly and completely."

In this connection I finally offer Document Genzken #2, located on page 3 of my document book and I offer it in evidence as Genzken Exhibit 5; it is an affidavit by the former administrative member of the concentration camp Buchenwald and it reads as follows:

"From January 1942 until the liberation of the camp on 11 April 1945 I was Head of the administration in Buchenwald concentration camp and can make the following statement:

"I had an insight into the administration of the Buchenwald concentration camp. I know that in Block 46 of the Buchenwald concentration camp, an experimental station for typhus was set up with Starbannführer Dr. Ding as head, in spring 1942, and that in spring 1943 it was planned to build Block 50 as a research center for typhus, special SS typhus inoculation serum. This protection center installed in Block 50 was named as follows: 'Department for Typhus and Virus Research at the Hygiene Institute, of the Waffen SS, Weimar-Buchenwald.'

"I do not know who gave this name to the institute.

"From that time, the postal address for official communications for Block 50 was given as: 'R. F. S. S. - Department for Typhus and Virus research at the Hygiene Institute of the Waffen SS, Weimar-Buchenwald.' I remember that before this name was adopted, that is before spring 1943, Ding, as chief of the experimental station for typhus and virus research, used the following address: 'R. F. S. S. - typhus experimental station Buchenwald.'

"I do not know whether at the address indicated the designation 'Reichsarzt SS.'

"I can remember seeing letters with the above address only.

"The Block 46 was occupied by prisoners, and the nursing

staff consisted of prisoners and a Capt, all administrative measures for the hospital of the concentration camp went through the Buchenwald camp administration. Therefore the Medical administration of the Waffen SS (Sturmabfuhrer Dr. H. J. Jander) and the administrative chief of the SS (Fuehrungshauptamt (Operational Main Office) (Fritz Schaller, Sturmartefuehrer of the Waffen SS) had nothing to do officially with the administration of Block 46."

sign: BUCHENWALD."

May it please the Tribunal, I believe that I have shown through this evidence that this was not subordinated to the Medical Service of the Waffen SS but that it was exclusively subordinated to the Reich-Physician SS.

Q Now what was Dr. Krugowsky's position towards the Reich Physician SS?

A Professor Krugowsky, as the most hygiene expert, was at the disposal of the Reich Physician SS for special assignments.

Q Was it that the Reich Physician used for these experiments at Buchenwald, Professor Krugowsky, who was superior or subordinate?

A Grawitz always tried to keep his own personal staff as small as possible. At the time a certain action by General Haruh was under way and he reorganized all the staffs and withdrew one-third to one-fourth of all the personnel from these staffs and for this reason the Reich Physician tried to keep his own staff as small as possible so that he could convey the impression to his superiors; by virtue of his authority to issue instructions he utilized members of other staffs and this is exactly what he did with my staff. He not only used Professor Krugowsky but he used the pharmacologist, Dr. Blumenrueher and he used the dentist, Dr. Blischke; they were working on my staff and he used them for his own special tasks and assignments. It is also true that he did the same thing with members of other staffs.

Q Now what was your position with regard to Professor Krugowsky?

A I was his superior within the agency in the position which he had in the Waffen-SS; I was his superior as the Chief Hygienist and the Chief of the Hygienic Institute. I also was his superior for the new vaccine production establishment; that is to say, I would have been his superior. However, this never came to pass because it only began its work in December and that was at a time when I was no longer responsible.

Q And what was your relationship to Dr. Ding?

A Until his appointment as the Chief of the Experimental Station at Buchenwald I was his superior and from that period of time on my agency only paid him his salary. As I have already stated, he was Chief of the Experimental Station and he was already at that time subordinated to the Reich Physician-SS. As Chief of the production establishment for vaccine he would probably have been subordinated to me but this never really became effective.

Q And was appointed Dr. Ding's deputy?

A As is indicated by the documents, the Reich Physician-SS Grawitz by way of the medical officer in charge of the concentration camps--he appointed Dilling as physician of Buchenwald and he appointed Ding as chief of the clinical experimental station.

Q Were you able to give such orders in the concentration camp?

A As Chief of the Medical Service of the Waffen-SS in the Administrative Main Office I did not have any medical connection with the concentration camps and the forwarding of prisoners for clinical purposes.

Q Who was able to give medical orders in the concentration camp?

A That was the Reich Physician SS and the medical officer in charge of the concentration camps and his collaborators and the camp physicians.

Q You have previously stated within the concentration camps; in the experimental station belong to a concentration camp?

A As has been indicated by the documents of the Prosecution, activity in Buchenwald was very much connected with the activity in concentration camp.

Q What effects did this have?

A As is shown by the files, the experimental station moved from one block to another. First it was in Block 41, then it moved to Block 44 and finally moved to Block 49 and in the end it finally remained in Block 46. Then the nursing personnel in this station consisted of prisoners and also the other inmates; and the care for the food and supplies, the construction and equipment, was the business of the administrative chief of the concentration camp. This shows that the experimental station was closely connected with the administration of the camp and therefore other information has been given in the documents about conditions which prevailed among the prisoners.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

Institute.

Q Did you, upon the wish of Dr. Bruns, furnish him with laboratory space in hospitals?

A Yes, we had very little space in the Hygiene Institute, and laboratory space was vacated in the Institute at Berlin since no laboratory there had to be evacuated, since it was defended somewhere else.

Q And when was that?

A I think it was in the fall of 1943/

Q To whom was the Hygiene Institute there subordinated?

A It was subordinated to Ellenbeck and not the chief physician of the SS hospital in Berlin. This was a civil competence.

Q And to whom was Ellenbeck subordinated?

A He was subordinated to the Hygiene Institute of the German SS.

Q Did you know that Ellenbeck received such typhus blood for his hospital from the concentration camp of Buchenwald?

A No, I didn't know that.

Q In the Dan Starg, on two occasions it is laid down that the blood of the convalescents was sent to the SS Operational Office, to Berlin to Stabschef Dr. Ellenbeck. How do you explain that?

A It is wrong in that part. This is merely an order to Ellenbeck to send the blood to the Stabschef Dr. Ellenbeck, Berlin, Charles-Henrichs, and to the SS Hospital (Ammerlaide), and that is how this address is composed of Ellenbeck, and that isn't really correct as you put it.

Q Now, the final question. What did you know about the experiments for the production of a blood circulation means in Buchenwald and the experiments in the concentration camp of Buchenwald?

A I only heard here for the first time about these experiments and the presenters presented their documents.

Q You never heard anything orally or by writing?

A No.

Q Now, I have no further questions to ask the witness at the

ent.

THE PROSECUTOR: Is there any cross examination of this witness by my defense counsel?

THE COURT:

BY MR. PROSECUTOR: (Counsel for Prosecution)

Q Witness, if you ever came in contact with Professor Rose before the 30th of May 1945 or have any written communications with him?

A No, I didn't know Professor Rose personally at all.

Q Then you didn't discuss the points with him about the subjects of the prosecution?

A No, not at all.

THE COURT: No further questions.

THE COURT:

BY MR. DEFENSE: (Counsel for Defense)

Q Dr. Rosen, the defendant here the defendant Professor was active during the years of the war?

A Professor was active in the office of race and settlement as a physician and he was active during the war as a leading physician.

Q Did you know him before the war was from the beginning of the war until the beginning of 1945?

A At that time he was active in the army.

Q Is it correct that Professor, after having been recalled from the army in 1941, again was in the race office?

A Yes, as a physician and leading physician at the race and settlement office.

Q Did you know him before the war, during the war, was a leading physician active in the office of race and settlement office?

A I didn't get to know him.

Q Is it correct that during the war was the leading physician in the office of race and settlement office?

A That's what I believe.

Q Did you know the defendant as a leading physician 85 years of age?

the office, and I therefore want to ask you whether it is correct that Dr. Grawitz had a secretary and an adjutant at his personal disposal?

A. Yes, that is correct.

Q. She actually was in the interior of Grawitz's office?

A. In the interior there was a secretary. She was there at all times and had her desk there.

Q. Is it further correct that Grawitz was in the habit of dealing with his office work himself with the help of his secretary?

A. Yes, he used to deal with his work personally. He dictated all his letters personally.

Q. What was Poppenhick's designation after Grawitz's office was reorganized in September 1943?

A. Would you repeat?

Q. What was Poppenhick's designation after the agency of Grawitz was reorganized in September 1943?

A. He was chief of the personal office.

Q. Was such a designation placed in the outside of these offices of Grawitz?

A. No, I never read it.

Q. After that period of time, that is, after September 1943, did you notice any changes which could indicate that a special office was furnished under the leadership of Poppenhick?

A. No.

Q. In the correspondence of the Reich Physician SS, as far as it came to your knowledge, did you note the designation, personal office or chief of personal office, as it is a letterhead, as it is a signature, or any other way?

A. No, I never saw that. I never saw it in any correspondence.

Q. Now, if, after the time of 1943 Grawitz sent you any official correspondence, did they have a notation that he Poppenhick was his chief of personal letters?

A. All the letters from Grawitz were signed by Grawitz himself.

and not by Poppenlick.

Q Then, according to what you noticed after the fall of 1943, no change occurred with reference to the correspondence of Grawitz or any other of his office activity in comparison to the time just before?

A No, I had no impression that any change occurred.

Q Was there any change in the adjutant or did the secretary of Grawitz still continue to work there?

A The secretary always worked there in whenever she wasn't present the adjutant took her place.

Q Was Poppenlick present during the discussions which you had with Grawitz?

A Grawitz always received me personally.

Q Was Poppenlick sort of a personal adjutant of Grawitz?

A No, he had an adjutant. He certainly was not. Well, Poppenlick was not an adjutant of the Weichsarszt Grawitz.

Q Thank you. Did Poppenlick exercise any functions which were in accordance with the rank of a chief of staff? Did he perhaps have authority to sign for him or any similar authority?

A No.

Q Is it correct that Poppenlick, since 1943 and 1944, was a volunteer for front combat?

A Yes, yes, he approached me.

Q Do you know whether Poppenlick subsequently was assured of being admitted at the front?

A Yes, Grawitz assured him of that.

Q But why was that continually postponed?

A The war had advanced and the commanders of the divisions, whenever a successor was necessary, tried to get such a successor from the already existing personnel in their army division. The divisional commanders knew about Poppenlick and they were aware that he had experience with troops on the basis of his activity and certainly an experience

at the eastern front.

Q Did you ever speak to Hagenbeck about any experiments on human beings which are the subject of the indictment?

A No, we never discuss that.

DR. ROSS: Thank you. I have no further questions.

DR. KRAUSS: Mr. President, please permit me to put two questions to the witness.

BY MR. KRAUSS:

Q Witness, did Professor Rostock in his capacity as leader of

the office of science and research with the Reich Commissioner for Health and Medical Services have a right of supervision or a duty of supervision in medical research matters, and that with reference to the institutions of the SS?

A Earlier I already stated that Professor Brandt had been told that, as I had learned from Professor Grawitz's utterances, that Brandt would have nothing to do with any affairs belonging to the medical service of the SS, and that no one can conclude that Professor Rostock as a collaborator of Professor Brandt would have acted in accordance with that error.

Q In that case you would say that if that error was true of Professor Brandt it must have been true of Professor Rostock?

A Yes.

Q Witness, did Professor Rostock at any time issue directives to the medical office of the SS?

A No, I never received any directives from him and I had never any official contact with Professor Rostock, either verbally or by way of writing.

DR. KRAUSS: Thank you. Mr. President, I have no further questions.

DR. FLEMMING (for the defendant Krugowsky.):

Q. Witness, Dr. Krugowsky was active in your medical office as Departmental Chief of the Department of Hygiene. Was he an expert in your office?

A. Yes.

Q. How was the official contact between you and Krugowsky?

A. Krugowsky took part during all the discussions with experts. He reported on his official trips and official correspondence, and reported his experiences, and I, accordingly, issued orders or directives whatever had to be done in reference to the bad state of Hygiene or contagious diseases. During such occasions I also ordered him to carry out official trips.

Q. Did Professor Krugowsky have an opportunity to carry out such measures in the Hygiene field on his own initiative, in the field of the Waffen SS, measures which he considered to be corrected?

A. He made suggestions as they referred to his special field, then transferred it to me and according to my judgment, gave orders which I then issued for the troops. He only had authority to issue orders in the capacity as Chief of the Institute and within its field of Hygiene.

Q. You said, that within his sphere of office, as Hygienist, he had authority to issue orders?

A. Well, he had collaborators and he could issue orders to them, and that was especially true in his institute, the Hygiene Institute.

Q. But, otherwise, he could not have carried out any measures in the Hygiene field in the SS which he seemed to be corrected?

A. He always had to go over my military authority.

Q. Now, with reference to the other organizations of the SS;

for instance, concentration camps or other organizations which were subordinated to the medical office of the Wehrmacht, could he carry out any measures on his own initiative if he thought they should be corrected?

A. No, there you had the same situation; he had no authority to issue orders.

Q. Did the authority to issue orders with regard to Hruszowsky change when he was subordinated to Grawitz up to 1st September 1943?

A. No, he always remained the expert; he had no authority to issue orders.

Q. In his capacity as Chief of the Institute, did Hruszowsky often go on official trips?

A. Yes, he often went on trips to the front.

Q. Were his trips to be approved at all times by you?

A. Yes.

Q. Do you remember one such official trip, when he went to Schann, to the East, which was approved for June and July 1943, and from which he returned after a considerable delay?

A. Yes, I remember this incident because this was the only time when I had to be energetic toward him. I think that we agreed that he would go on a foreign trip and he only returned in August. And, at that time I reprimanded him, and he, as an excuse, said he had stayed with some command from Prussia, but I expected him to make a report and that was the reason I was annoyed.

Q. You said that he returned in August. Do you remember whether that was the beginning or the middle or the end of August?

A. I can't remember that incident. This entire trip -- he had returned at the end of August, yes.

Q. Did you ever feel that Hruszowsky tended to let your

position as Medical Chief of the Waffen-SS?

A. No, that is not correct.

Q. Did Mrugrowsky become a bacteriologist and hygienist in the Waffen-SS after being completely skilled in that field?

A. Yes, he went as a completely educated expert to our department.

Q. Did he have to thank the SS for any additional education and training in bacteriology and hygiene?

A. No.

Q. Is it was the way in which Mrugrowsky worked in this institute?

A. In accordance with his ways and mannerisms, he went about his work very energetically. He personally showed great interest in it, and whenever he issued any orders he saw to it that they were carried out and supervised the order.

Q. Who was Mrugrowsky's representative in the Hygiene Institute whenever he was absent?

A. It was some Hygienist there, but that often varied because the Hygienist of his institute were used for front matters.

Q. What was the official relationship of Mrugrowsky to Grawitz? Was he in any close connection with him?

A. No, one can hardly say that. It was no personal relationship at all.

Q. Did he give Grawitz orders at any time?

A. I don't know anything about that.

Q. Do you know his opinion about the work and the conception of the work of Grawitz?

A. Yes, there was a difference of opinion there. Grawitz's manner was such that he interfered in all possible affairs and put his personality into the foreground under all circumstances, where Mrugrowsky did much material work and did not

make so much fuss about his activities and personality.

Q. Do you know how Grawitz limited the scope of work of Krugrowsky when he took him over with the Hygienic Institute in 1943?

A. If I remember, I learned from Blumenroutner, that was the Chief Pharmacist who had the Pharmaceutical office in the agency of the SS, then he had explained to Krugrowsky that Krugrowsky would be changed in his work; that he would further remain the Chief

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of the Hygiene Institute, unless upto the present, he could be, as he said, loosely connected to them.

Q. Did Brugowsky take part in the inter-life, so-called, of the Grawitz Agency?

A. Brugowsky, had his office in the Hygiene Institute which was outside at Schlachtensee, a western suburb of Berlin, and he did not participate in the meetings at the agency of the Reichsarzt, and as far as I know, he had no office at all in the agency of the Reichsarzt.

Q. Did Brugowsky have anything to do with the German Red Cross?

A. No.

Q. Did he have any personal connections to Himmler?

A. No, I don't know anything about that.

Q. Did he have any personal connections to Goettl?

A. No, I don't know anything about that.

Q. Do you know that Himmler, in the year 1942 or 1943, did demand that Brugowsky should change his name which he thought sounded Polish sound, and do you know what Brugowsky's attitude toward that was?

A. Yes, it is correct that he was approached with such a demand, and he, as I understand it, managed not to realize that wish.

Q. You know the basis of the presentation of the Prosecution, and on the basis of the trial here, the extent of the typhus experiments in Buchenwald. Could Brugowsky, at any time, have made demands on his own initiative to get the inmates of the concentration camps for purposes of typhus experiments?

A. No, he couldn't have done that. He had nothing to do with that.

Q. Did Brugowsky have any possibility to order the typhus experiments in Buchenwald upon his own initiative, or could he have had the authority, on his own initiative, to see to it that those were dropped?

A. On the basis of his position in the medical office and in the SS operational office, he had no authority over the concentration camps, and nothing to do with the internment of inmates, and he had no business interfering.

Q. Yes.

Q. When you were examined by the Defense Counsel, you stated that in the English imprisonment camp Neuengamme, experiments were carried out on prisoners of war with influenza vaccine. Did I understand you correctly?

A. Yes, these were new influenza vaccines. It was told to me personally by the English physician.

Q. Were you personally vaccinated?

A. No, I had to compile the vaccination list. Three thousand were demanded and a number of people were to be vaccinated and a number of people were to be left alone. Altogether there were 1700, I think, of which 850 were vaccinated and 850 were not.

Q. Were you, at that time, considered with volunteers, who had given their approval?

A. No, these 850, I am speaking of, were in the camp and I had to put them at the disposal for this purpose, it was not on a voluntary basis.

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Q. Were you concerned with a vaccine of living or dead bacteria?

A. The English physician didn't tell me that.

Q. Did the experimental subject enjoy any advantages with reference to nourishment or anything else?

A. No.

Q. Was there a danger of an epidemic in the camp at that time?

A. The camp was greatly over crowded. Ten to twelve thousand people were in the camp and there were only eight thousand. I don't know whether these figures are quite correct with reference to the time when they were vaccinated.

Q. At any rate -- say I encourage you -- could you say that any danger would have existed on the basis of these over-crowded conditions? My question was: Do you know whether at that time there was any acute danger of an epidemic of influenza for any reason?

A. No, no cases of influenza had occurred, not to any large extent.

DR. MITCHELL: Thank you. I have no further questions.

DR. GIMLIK: Counsel for the defendant, Hoven.

BY DR. GIMLIK:

Q. "I recall, during the examination by your defense counsel you stated the following: As can be seen from the document the Reichsart SS, in accordance with the leading physicians of the concentration camp appointed the representative of Dr. Ding. I am now asking you witness, what do you know from your own knowledge by what Dr. Hoven was appointed as the representative for the experimental station at Block 107?

A. I didn't know at all that Dr. Hoven was the Deputy or was assigned to be a Deputy, and I don't know anything about Block 106. I realized that I know that from the files and I think Dr. Hoven testified to that effect, namely that the Reichsart had appointed you as the camp physician at Buchenwald as the head of the medical service of the concentration camps.

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Q. Well in order to clarify that point I am merely basing your statement on what you have stated here.

A. That is what I said at the time.

THE PRESIDENT: Thank you.

THE PRESIDENT: The Prosecution may cross-examine the witness:

CROSS EXAMINATION

BY MR. HARDY:

Q. Dr. Genzken, you entered the SS on 1st March 1936 as a sturmbannfuhrer voluntarily on March 1st, 1936, is that correct?

A. Yes.

Q. On what date did you become the Chief Medical Officer of all concentration camps?

A. That must have been in the spring of 1937.

Q. And you remained in that capacity until 1940, is that correct?

A. 1939.

Q. Now your title at that time was Chief Medical Officer of the SS, Death-March Units in Concentration Camps, was it not?

A. I didn't quite get that.

Q. You bore the title at that time, that is between 1937 and 1939 of Chief Medical Officer of the SS Death-March Units in Concentration Camps, did you not?

A. The situation was the following: In the medical office of the SS there were two medical Departments. I was the chief of that second medical Department. The second medical department dealt with the supplying of concentration camps material and the supplying of personnel. In this position I was -

Q. We will get to that in a moment. I am coming to that. During the period that you held this position, your title was Chief Medical Officer of the SS Death-March Units in Concentration Camps, wasn't it. That was the way you signed your name on all correspondence, was it not? Yes or no, doctor?

A. No.

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Q. And all concentration camp brigades at that time were under Eicke, were they not?

A. Yes, there were no concentration camp brigades, and I certainly wasn't the Chief Medical Officer of the Concentration Camp Brigades. I merely said I was the consulting chief of Eicke within the medical service and he was the inspector of the concentration camps.

Q. And you also headed one of the two departments of the SS Medical service and you were charged with supplying medical equipment and the supervision of medical personnel in the concentration camps, isn't that true?

A. Yes.

Q. Well in that capacity you were subordinated to Dr. Grawitz, is that right?

A. Yes, he was the Chief of the SS Medical Department.

Q. Well now in summation, between 1937 and 1939 you were subordinate to Grawitz on the one hand and to Eicke on the other, weren't you?

A. Yes, I was his consulting physician. My department for instance was in Berlin, whereas Eicke's agency was outside in Oranienburg where he had his department.

Q. Now, wasn't this Eicke a fabulous character? Can you tell us something about Eicke?

A. Eicke had been active with the Navy during the first world war and in some treasury capacity. He must have been a paymaster as far as I remember. Eicke came from a career as a civil servant. He had a strong inclination toward being a leader of troops, an officer. In the General SS he was in charge of the unit there as far as I know. He was an energetic, active, dynamic character. He was a worker who did good during a day's work and for the point of view of his subordinates I always had the impression that he was just towards his subordinates. He always acted very energetic and severely whenever something went wrong or wasn't done right.

Q. What happened to Eicke, later?

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A. At the outbreak of the war Dicko became a divisional commander, activated a division and lived through the Western campaign with that division. After the Western campaign this division was committed in the East and after approximately six months he was wounded there. He stayed at the Gelsenhausen in Berlin when he was wounded, but in spite of having a bone injury which hadn't healed yet, he went back to his division at the front, and after having been committed in the northern part of the Eastern front he was transferred to the central part, and there during an intelligence trip was shot down by the Russians in full there.

Q. Tell me during Dicko's time as head of the concentration camp, wasn't he the gentleman who handled extermination of Jews within the framework of the concentration camps?

A. I know nothing at that time about any extermination actions that were carried out in concentration camps and I am sure that was not the case.

Q. You mean to tell me, Doctor, you didn't know they were exterminating Jews in concentration camps as early as January, 1939? As a matter of fact they were doing it in 1937 and 1938?

A. I know nothing about that.

Q. Didn't Dicko have an office program whereby he accomplished his extermination by working the inmates to death, and this he referred to as "extermination through work". Haven't you ever heard of that slogan?

A. No, this is a completely strange matter which I am hearing here for the first time. In my time as head of the concentration camps were absolutely in good order as far as hygiene was concerned and cleanliness. All the inmates had their own rooms, their own food, and their own mess kit. He had no right to spread his disease. German soldiers there from the Red Cross in Germany Army were very much surprised about the cleanliness and order in the concentration camps. I know nothing about anything you are telling me. I particularly didn't ask any such observations.

Q. I am now asking you for the physical condition of the inmates within the concentration camps at that time, weren't you?

Q. 1.

A. Yes, the camp physicians were under my jurisdiction.

Q. How many concentration camps were under your jurisdiction, doctor?

A. Up to the outbreak of the war, there was Sachsenhausen, Dachau - those were the two. Then in 1938 Buchenwald was added. In 1936, Sachsenhausen and Flossenburg, and shortly before the war, Neuengamme. That was only a little camp with a prison work adjoining it. These are the camps which, according to my memory, were known to me.

Q. Now, about how many people were incarcerated in the concentration camps at that time - in total?

A. I can't give you the total figure.

Q. About 50,000?

A. Naturally, whenever I wanted to know the figure I didn't receive a reply. I can only estimate. On the basis of the number of patients that were there, I estimate that there were approximately eight to ten thousand people in Dachau which I think was the maximum number of people that could be kept in Dachau - perhaps of the same order or less. In Sachsenhausen the figure may have been a little higher - around a hundred thousand. Buchenwald was just being built.

Q. How many doctors did you have in each concentration camp?

A. It isn't clear how many. The medical figures in the clinical institutions, which were instituted in the concentration camps - they were called hospital blocks - were absolutely within the limits of any normal hospital or clinical institution.

Q. Now, doctor, you seem to be a little bit vague about some of these things. I don't see your duty to prevent or examine the inmates in these camps - wasn't it one of the duties of physicians to examine or supervise the inmates at various intervals, particularly whenever you had any transfers of several hundred inmates from one camp to another? Wasn't it necessary for you to examine these people to see if they were physically able to travel?

A. Well, I didn't have any medical examinations. I had certain

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supervisory duty. That is, to inspect the camps, and I know that the camp physicians examined every one who was taken into the camp. This was recorded - this is a matter of health - and as far as I know went into the personnel files of the people concerned.

Q. Now, as a matter of fact, it was your job to submit medical reports to Eicke and Grawitz monthly, wasn't it?

A. As far as I remember, monthly reports were submitted with fighting units.

Q. Well, now, do you maintain, Doctor, that during the time that you were chief medical officer of these concentration camps that the camps were somewhat similar to a Boy Scout health camp? That there weren't any conditions of filth, death? Everything was just nice, was it?

A. I can only say that I exercised my right of inspection. For instance, I had no pass which enabled me to enter the camp at any time. Whenever I wanted to visit and inspect the concentration camp I had to receive a pass from the inspector. I had to pass that to the commander of the camp and only then could I enter the camp. Whenever I went there it was in perfect order. I never saw anything which was in any way similar to what you seem to indicate.

Q. Did they object to your inspection? You didn't have a free hand? You could not walk around as you wished?

A. Most of the time the camp commander accompanied me whenever I went around the camp. Within the area of the hospital I stayed with the camp physician. I usually inspected the kitchen in the camp which was hygienically equipped with boiling equipment, various stoves, various rooms for preparing of potatoes and vegetables, ice boxes. Then I inspected the laundry where the laundry was taken care of and I also inspected the housing facilities. They were always in order. The beds were well constructed, ventilation was in order, and so on as the inspection of these things of the camps.

Q. You're sure that you were inspecting the concentration camp and that the barracks within the camp - not the officers' quarters and the particular section of the camp in which the SS or Germans quartered? Did

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you go into the inner camp on these inspection trips?

A. As I just stated, I reported to the camp commander and he permitted me. My inspection always went into the hospital through which I was led by the camp physician. In the hospital there were clinical departments, operational theaters, everything was fully equipped with operational tables, X-ray departments. There was a bathing department with electrical bathing facilities. There were various rest rooms, springs and operational units, and I was caring for the inmates better than for the men working in the front lines. That is what I can tell you about my inspection trips to concentration camps.

Q. Well now, doctor, I assume that you know or that you realize the conditions existing in the camps during your time. It was a matter of common knowledge even in America. Now, it is also my understanding that even the unspeakable Oswald Pohl had some misgivings about the conditions of the camps during your time. At the time when he was to take over the economic administration he wasn't particularly satisfied with some of the things that were going on under Sicking. How do you justify this attractive description you give of the conditions of the camps in your time when you haven't got a shred of evidence to prove that that was true?

A. The time of Pohl was in 1942. I was speaking about the time 1937 to 1939. I know that Pohl took over the camp in the Spring of 1942.

Q. That is correct.

A. My descriptions are true of the time of 1937 to 1939. That is peace time.

Q. Well, now, doctor, in May, 1940

A. HADY: Your Honor, I'm going on to the next subject. If you wish to adjourn for the noon recess at this time it will be appropriate.

THE PRESIDENT: The Tribunal will be in recess until 1:30.

(A recess was taken until 1330 hours)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 3 March 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

KARL GENZKE - Resumed

CROSS-EXAMINATION (Cont'd.)

BY MR. HARDY:

Q Dr. Gensken, in May 1940 you were appointed Chief of the Medical Office of the Waffen SS, that is Office No. 7, is that correct?

A It must have been in June. In June the Waffen SS was established and also the SS Administrative Main Office and during this period of time the Medical Office of the Waffen SS became a branch of the Medical Office of the SS and it was administered by the SS Medical Office. This was in June 1940.

Q Then when were you appointed Chief of the Medical Service of the Waffen SS, that is, what is considered to be Amtsgruppe D?

A Amtsgruppe D was established later. In the SS Administrative Main Office, 4 office groups were compiled from the various offices and afterwards this was dropped for the first three Amtsgruppen and inspectorates were established instead. In my office one Amtsgruppe remained in existence and consisted of 4 offices, the first office was for medical service, the second for dental service, the third for the pharmaceutical service and the fourth for the hygienic service.

Q Well, now, what was Amt 13?

A Amt 13 was the medical service.

Q Who headed this office?

A It was directed by various men. In the beginning Dr. Fehrmann was killed at the end of the war. He was succeeded by Dr. Bercht and in April 1943 he went to the SS Main Office, to Burger, as personal physician; and Dr. Hoch was there for a short period of time, and this was in the fall of 1943, and from that time on it was a Division Dr. Bliess. These men were in charge of the Office for

the Medical Service.

Q Now what was Amt 14?

A That was for the dental service.

Q And Amt 15?

A That was the pharmaceutical service.

Q Who headed that amt?

A Before August 1943 it was Dr. Blumencutter; he was succeeded by a young pharmacist, Dr. Rudolph, and at the end he was succeeded by a Dr. Lechning.

Q Now Amt 16?

A Amt 16 was the hygienic service.

Q And that was at one time headed by yourself, wasn't it? Did you head that yourself in the beginning, or was Brugowsky always the chief of that department?

A After the campaign in the West, Brugowsky came; after he had been the chief of a medical company he returned to Berlin and then he was chief of the Hygiene Institute. At the same time he was also in charge of the hygienic service in my office; I myself was unable to be in charge of that because I have never been a hygienist and I have never received any specialized training for that.

Q Well, then, these 4 Amts, that is, Amt 13, 14, 15, and 16, were all under Amtgruppe D, of which you were the Chief, is that correct?

A Yes.

Q And the various chiefs of these departments, Amts 13, 14, 15, and 16, were subordinated to you, is that correct?

A Yes, that is correct.

Q You had the authority to issue orders to the chiefs of these various departments, I presume?

A Yes.

Q Well, now, prior to August 1943, that is, when you had the re-organization, the Hygiene Institute of the Wehrmacht was subordinated to Amt 16, is that right?

A Yes.

Q You had authority to issue orders in that direction until August 1943, did you not?

A Yes, for the Hygiene Institute.

Q Now Drugowsky was definitely your subordinate until August 1943, wasn't he?

A Yes, as Chief of the Hygiene Institute and as Office Chief for the Office of Hygiene, that is Office 16.

Q How about Dr. Ding-Schulter?

A Ding-Schulter was subordinated to me until his appointment as Chief of the Experimental Station by the Reich Physician SS, Dr. Grawitz. And from that time on my agency only had to take care of his expenses because he had been attached to another agency and then when no budget existed for the new place to which he was attached we had to take care of his expenses and that applied in this case.

Q Well, now, you have stated that until August 1943 the Hygiene Institute of the Waffen SS was under your control. Now, as a matter of fact, wasn't the Experimental Station at Buchenwald a Hygiene Station of the Waffen SS?

A No, this was ordered by Grawitz and it was an experimental station that was connected with the Research Institute of the Reich Physician within the Concentration Camp Buchenwald. I, as Chief of the Medical Service of the Waffen SS and as leader in the SS Administrative Main Office, was not able to give any orders in that field.

Q Just a minute, Doctor. Dr. Drugowsky was the superior of Dr. Ding-Schulter, was he not?

A Drugowsky was the consulting hygienist for this case in which the Reich Physician SS had consulted with him.

Q You mean after August 1943?

A No, even before that time, Dr. Ding, from the moment he was attached to the experimental station at Buchenwald, had become a subordinate of the Reich Physician SS, Dr. Grawitz; that was his direct superior.

Q What was the title of the experimental station at Buchenwald?
Wasn't it the Experimental Station of the Hygiene Institute of the Waffen
SS?

A According to the diary, where I have obtained this knowledge,
and on the page which contains my name, it is stated by Dr. Ding that
from the "Experimental Station" the name was changed to "Department for
Typhus and Virus Research, SS Medical Office of the Waffen SS, Weimar-
Buchenwald." However, that was the name for the production establishment
which Dr. Kogan has stated here in his testimony, which was completely
separated from the experimental station. Dr. Kogan stated that Dr. Ding
was the Chief of the Experimental Station and that he was Chief of Block
50 which only became a production establishment after August 1943 and
which was to belong to the Hygiene Institute. As I have already stated
this morning, it is a contrast in itself that this production establish-
ment was in Block 50 but where no research was carried out and only
production and that this was called Department for Virus and Typhus
Research. Dr. Kogan has himself stated that this was done in copying the
title of the Krakow Institute which belonged to the Army which was also
a research institute and which also was at the same time a production
establishment.

Q Well, now, Doctor, we will get to the typhus experiments more
explicitly later and I think that the Ding Diary will show that this was
the Hygiene Institute of the Waffen SS Experimental Station and no other.
How about Dr. Gebhardt? He was your subordinate for some time, wasn't he?

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A. As I have already stated Dr. Gebhardt, when he took over his position had a special confidential relationship with Himmler.

Q. However, he was your subordinate, wasn't he?

A. He was Chief of the Institute Hohenlychen. Gebhardt had a similar position with Rastock. He was Chief of the University Clinic, and at the time he was Medical Officer in the Army and Gebhardt was over the Civilian Institute of Hohenlychen, and he was also in the same research status in the Waffen SS, and since he had already been a friend of Himmlers at an earlier period of time, he was in closer relationship to Himmler.

Q. Now, Doctor, I have asked you a question and you haven't answered yet. I think Dr. Gebhardt will take the stand and testify he at one time was your subordinate; now, I will ask you, at one time wasn't Dr. Gebhardt at some time to some degree your subordinate; was he or wasn't he?

A. At sometime, no.

Q. How about 1940, in 1940 was he your subordinate?

A. He was in the same position. There was a civilian department at Hohenlychen. There was a hospital department of the Army with about 400 beds, and also a smaller section in which the wounded from the SS were placed, and in regard to this Department, if you want to call that a subordination, but that did not play any major part, it was just that our wounded from the SS were placed into this civilian institute. The Hohenlychen Institute would not be subordinated to me, because it was his private position there.

Q. In regard to Hoven, I think Hoven was not your subordinate insofar as he was attached to the experimental station under Dr. Ding and under Brugowsky at Buchenwald.

A. Hoven has never been subordinated to me. As Dr. Kogen has stated, Dr. Hoven became Deputy of Dr. Ding in the Station of Grawitz, and as especially stated for the clinical station, and I did not have any official supervision or contact at all with that particular hospital.

Q. Are you sure, Doctor, that Dr. Ding or Brugowsky didn't come to you at some time and tell you it was also necessary to have a deputy appointed

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to Dr. Ding at Buchenwald when he made trips, that it would be necessary to have someone in charge, and you approved that recommendation and said Dr. Hoven could carry on the work of Dr. Ding? Don't you remember that?

A. That I cannot remember at all. Is that supposed to have come through my person as my agency?

Q. That is my understanding, Doctor, as a result of the Fuehrer's Order of July 28, 1942, you became subordinated to Dr. Handloser, didn't you, insofar as the troops over which you had jurisdiction were on the front?

A. This subordination to Professor Handloser was caused by the division at the front of the Waffen SS, which had been assigned to the Army. The division of physicians of these camps were subordinated to the Army physicians of the Army Group Medical officers. They were subordinated to the Medical Inspectorate of the Army or Chief of the Wehrmacht Medical Service. However, as far as the troops at home were concerned, there was no relationship of subordination to Professor Handloser.

Q. Now, assume Professor Handloser issued an order to you, as Chief of the Medical Service of the Waffen SS, what weight would you give it?

A. It depends to what this order referred. It could only refer to matters which had some connection with the SS Division at the front. With the troops at home or in the hospitals at home, or any other Institute, Dr. Handloser could not give me any orders whatsoever, in that connection. And in practice such an order was never given.

Q. But then under the circumstances you state that as outlined by yourself, that is these limitations you have given, it was possible that if Handloser issued an order to you that you would give it considerable weight, wouldn't you?

A. This order could only refer to the matters at the front, and then it had to go through Army channels. To what extent the Chief of the Wehrmacht Medical Service could give orders to the Army Medical Inspectorate, this question has already previously been discussed here. However, from the Army Medical Inspectorate the order had to go to the divisional medical officers,

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to the Corps Army Medical Officer and would be there and that would have been the channel of command, and of course he would have received a copy of such an order. That is the opposite way as it is used in the way of submitting monthly reports from the SS divisions. The monthly reports about the patients went, the original to the Army or Corps Medical Officer of the Army, and I received a copy of that, and that would be exactly the opposite way.

Q. Now, isn't it true, Doctor, that matters concerning the budget of Medical Research in your department or in the Waffen SS were initiated by Krugowsky, and were passed on to you and you in turn passed them on to Mueller in Department "L", where they were finally sent to Oswald Pohl, in the WVHA, and Pohl allotted the amount of money requested; isn't that the procedure through which you went in order to receive funds for medical research?

A. I have seen two different budgets during the War; they were compiled by my agency and submitted to the Reich Physician SS, and as far as science and research is concerned, they were concerned in the budget plan. I have seen that before the document, which was presented to the Tribunal here, and it must have been in 1941 or 1942. A number of budgets were set up for such institutes and they were included in the budget, and this as discussed in a meeting at the Ministry of Finance. I also attended this meeting, and it came from Pohl's main agency, the WVHA. Then Obergruppenfuhrer Frank was also present, and on the part of the Ministry of Finance, the man who attended that meeting, this scientific request with regard to the institute and the budgets for the medical matters, was turned down; and as a result of this meeting I believe that this resulted in the document which has been presented here by the prosecution, and at that time I had to turn to the Reich Research Council in order to clarify the matter. This clearly indicates, in my opinion, how the channels were with regard to the budgets.

Q. Now, Doctor, suppose Krugowsky desired funds to carry on some research which he deemed important; now, he initiates a request for those funds, and it was necessary for him to pass on that request to you, wasn't it?

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A. I cannot remember that this has happened in practice, but if we assume that this was the case, that something was needed by the Hygienic Institute, then this had to go through the administration of the SS leader main office, to which this institute belonged until 1943.

Q. Is that the office of Mueller in Department "4"?

A. That is in Department 4 of the SS Administration Office, and Standartenfuhrer Mueller.

Q. And then it went to Pohl after it went to Mueller in the WVHA, and Pohl allotted the funds?

A. I do not know the other procedure past Mueller; but after the budget was approved by the Finance Ministry it probably was in the hands of Pohl. As far as I know from 1942 on he did not make any new budgets and did not make any new budgets in the course of the war, but it is true Obergruppenfuhrer Pohl was the Reich Finance Minister who allotted the money.

Q. Now, Doctor, it has taken me 5 minutes to get the answer. Isn't it true that matters concerning the budget went to Brugowsky and were then passed on there and passed on to Mueller in Department 4 and finally were sent to Pohl in the WVHA, and Pohl allotted the money? I wish you would be more brief in step going around the barn --

A. May I point out a mistake? As far as Brugowsky initiated these things it only applied to the Institute.

That was outside my field of competence, but it did not go over Mueller, but if Grawitz had any incident to establish then Grawitz probably passed these matters on directly to Pohl, because he did not have any main office. But you just made the mistake, that you stated Brugowsky had initiated these things. I only stated that the things which referred to the Hygienic Institute Brugowsky would pass them on through me to Mueller, not anything else, with regard to science and research. These were for the Reich Physician, and he had his own staff to handle these matters.

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Q. Now during the course of our direct examination, you have stated that you had knowledge whatsoever of the activities in the field of human experimentation with which the Hygiene Institute of the Waffen SS was connected; isn't that right?

A. You must clarify what you mean by experiments on human beings. I have stated from the very beginning that I had knowledge that Grawitz appointed Ding as Chief of the experimental station and in order to carry out research on typhus and in order to manufacture vaccine and the clinical use of prisoners. I have known of that and what I understood by the clinical use of prisoners I have already stated this morning, but with reference to experiments on human beings I cannot remember that either on the part of Dragowsky or Ding I was given any information whatsoever.

Q. Now, assuming that Grawitz was absent from his duty due to illness or for some other equally important reason, were you not responsible for all of the activities of the SS medical service during the absence of Grawitz?

A. Well, it may have been assumed that I was the deputy of Grawitz; however this was never explained and there was never such an order but only when I came from the front at that time when I was still chief of staff to Grawitz in the old SS medical staff, then I was his deputy for three or four weeks by an expressed order when he participated in the campaign in the west. Later on he only took several trips and they were very brief, they had been planned to last a little longer but he always returned earlier.

This has become clear to me now because in his research experiments he was working on things in which there generally was not to be given any insight. I believe that I have described in detail in my previous statements just what my relationship to Grawitz was like and that I had difficulty with the occurrence of a so-called break of confidence and also since there was a distinct rupture between Himmler and me. From this situation it resulted that I really was not a suitable man to be the deputy to Grawitz. It was only an assumption that he was sick, but I do not know if it was actually the case.

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Q. Next to Grawitz, you were the most important man in the SS medical service; were you not?

A. I don't want to pass any judgment as to my importance, however, it is a fact that I was the oldest medical officer of the Waffen SS, who was residing there.

Q. As a matter of fact, the young men like Brugowsky and H. von considered you the chief of the SS medical service; did they not?

A. I don't know that, I never asked them further in any case. I cannot say myself out to be an Oberheerarzt or things which I do not know.

Q. After 1940, there was practically no Allgemeine SS to speak of and in your capacity as chief of the medical service of the Waffen SS within the SS your authority was exceedingly vast; was it not?

A. It was so that beside my main office there were about fourteen other main offices of which seven were also filled by medical officers. Of the others there was Lohmeyer in the WVHA, Kirchert in the Reichs Security Main Office, Dr. Poppendick, who was the Chief of the Race and Settlement Office and he was with the regular police, the medical chief of the police. I was just aside all the other physicians and all these agencies were outside my field of competence and were technically subordinate to the Reichs Physician. In addition, there was also the "Volks Deutsche Mittelstelle", which was equal to the main office and then there was a Reichs Commission for the settlements in the east, then there was the staff of the Higher Police and SS leaders where medical officers were also located and subordinate to the Reichs leader of the SS. Furthermore, there were all the concentration camps which had their own medical service with a medical officer in charge under the agency of Pohl and then the medical schools. Of course, I wanted to describe that there were many other agencies directly subordinate to the Reich physician. My position as chief of the medical service of the Waffen SS must not be over-rated, because I was not competent either for the troops at the front. I believe that I have tried to describe my attitude as clearly as possible.

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Q. Now, prior to the reorganization of the medical service of the SS, that reorganization was in August of 1943, Brugowsky sent reports to you concerning the work of his department; did he not?

A. Did I understand you to say after the reorganization?

Q. Prior to the reorganization - before?

A. As I have already stated this morning in my examination by the defense counsel, of Brugowsky, he participated in a meeting and gave me an over-all report. We did not engage in any correspondence, I did not like to have a lot of paper correspondence. I was very well known for that. In the session, he reported to me what was necessary and then in accordance with this I

gave my instructions and directives.

Q. That is consistent with what Krugowsky told me at the future date and you were the man, as I recall, who did not believe in a paper war. You instructed Krugowsky not to report to you in writing, but orally; didn't you?

A. That is quite possible, yes, I wanted to have it as brief as possible.

Q. How often did he report to you?

A. It was usually once a week a meeting of the referents took place at my office. No certain date was set, but it depended on the amount of work which had accumulated and I called these referents meetings according to the importance of matters on hand and then the proper referents would participate, approximately ten or twelve gentlemen.

Q. How far away from your office was the office of Krugowsky; was he readily available?

A. Yes I was near the office of Krugowsky. You had to walk out the house door and then a few steps had to be taken outside the house, then you came to the so-called first floor.

Q. Well, then it was possible for Krugowsky to give you these oral reports without too much difficulty; wasn't it?

A. Yes, Krugowsky, I would like to add, was very often absent on official trips, as I have already stated. He took a great number of trips to the front and then for three months he was not there and very often we were unable to reach each other through very short distances.

Q. Now, Dr. Gonzken, in your opening statement before this Tribunal, through your defense counsel you have emphasized the fact that your sole and exclusive task was the medical care of the fighting units of the Waffen SS and this involved about 800,000 men; is that the thrust you have attempted to convey to us?

A. Yes, the 900,000 which existed at the end of the war included the losses and as can be seen from the files of the first trial, there were approximately 180,000 men. Furthermore, it is correct that my main task was the medical service of the troops in the homeland in contrast to the army inspectorates and the inspectorates of the Navy and the Luftwaffe. I did not have the field of scientific research and training. It had expressly been stated in a written order from Hitler to the Reich's Physician of the SS, these things did not only apply to the Waffen SS, but also to the remaining SS and the Police.

Q. Right. Now these fighting units of the Waffen SS were at all fronts; were they not?

A. Yes, in the campaign in the west four divisions were used and at the beginning of the campaign against Russia -- six divisions were used on the Russian eastern front; one division was in Finland and we had an additional division in the Balkans. Altogether there were nine divisions and seven of them were in Russia. Altogether there were nine, then in the following years other divisions were activated very quickly and in 1943 we may have had twenty divisions and later toward the end of the war, we had thirty and new divisions were being prepared. All these completely equipped divisions were immediately sent to the front as soon as they had completed their training.

Q Well now, out of nine units, seven of these units were fighting in the East; is that right?

A That was in the beginning of the campaign against Russia, seven in the East, none in Finland, and none in the Balkans.

Q Well now, how many men were involved in the seven units that were fighting in the East?

A The usual divisions, the old divisions had twenty thousand men. Later on the number was reduced to sixteen thousand, fourteen thousand and twelve thousand. And thirty-six divisions would be five hundred eighty thousand, and if you multiply twenty by thirty-six, then this will give you four hundred and seventy thousand, and the other ones were replacement units at home.

Q And the physical condition of these men fighting in the East was of considerable interest to you, wasn't it? That was your major task, wasn't it?

A Well, the combat units, as I have already stated, were subordinate to the Army corps and Army and the Army rear physicians, and the hygienists and surgeons were also furnished from there, but it is only natural that I was interested in the physical condition of my troops at the front, only there were no connections to these troops because the divisions were distributed at the fronts. They were fighting at longer distances so that any contact would only be established by means of couriers.

As I have already stated I was given the monthly sickness rate reports, and I received a copy of that from the divisional medical officers, and from that I could form a picture of the situation. I have already stated that my hygienist, Professor Ruzwsky, took frequent trips to the front in order to get into contact with the Army hygienists. Since a similar existence in Germany also with the Army the collaborators of Professor Ruzwsky were also very much welcomed by our troops at the front.

Q Well then first you state in your written statement that your

sole and exclusive task was the medical care of the fighting units --

A. May I ask you to repeat it once more? I didn't hear all of the sentence.

Q. You have stated in your opening statement -- I repeat it for the second time -- that your sole and exclusive task was the medical care of the fighting units of the Waffen SS, and that this involved many hundreds of thousands of men. Now you state that once they went to the front the only connection you had with them was through channels. Well then, how do you justify the fact that you have stated in your opening argument to this Tribunal that your sole and exclusive task was the medical care of these fighting units? Were they under your jurisdiction or weren't they?

A. The medical supply of the front units was not part of my work but in establishing new units and equipping them with medical formations, with ambulances, with wound dressings, medicines and so on, that was my task in newly activating these divisions. When the ones which had been established were assigned to the Army. They also fell under the care and supply system of the Army; that is, the higher medical officer of the Army. For example, if any dressing station was destroyed then this had to be replaced by the Army, not by us. And if the Army was unable to do that, then we intervened and if we were able to do so we then gave the necessary equipment to the unit in question, but that was a regular procedure.

Q. Well then, it follows, Doctor, that the loss of fighting men through sickness or any cause in these various units at the front was of considerable interest to you, wasn't it?

A. We furnished the personnel. If we had losses through sickness or combat fatalities, then these people were replaced from our personnel.

Q. All right. Then it is true, isn't it, that the typhus epidemic in the East concerned you greatly?

A. That is what I have stated this morning; that this was a reason that the German Physician SS was able to obtain an order from Hitler that the SS should produce its own vaccine because the production of

typhus vaccine was insufficient. I was interested in the results of the production, and as I have already stated this morning I was informed of the results by Dr. Wasky.

Q All then, inasmuch as you were considerably interested in the lives of those soldiers in the East and they were dying like flies from a typhus epidemic, what did you yourself do about it? It was of immediate interest to you.

A They die like flies of what?

Q Typhus. Weren't the soldiers dying in the East of typhus?

A First of all we had the Clausius facilities. We were very careful to establish them. That was no possibility, and the other possibility was in the procurement of vaccine, and we did a lot of work with these Clausius facilities so that we connected these Clausius stations with so-called "Sauna". Sauna is a drug which is known from Finland, and as it is called in the Navy, these Sauna were used in the Clausius stations, and this matter was already reported on to me by Professor Sanjour. We also had the protective immunizations, but for the time being we only had Sauna for the medical personnel and those were the ones who were endangered by the disease, and thus we tried to master the danger of typhus.

Q All then, due to your position and your control over the fight-

units, having a replacement problem and being charged with the sole and exclusive medical care of these fighting units of the Waffen SS, then it is reasonable to state that you and Handloser were perhaps the only two men in Germany who were really interested in the outcome of this typhus epidemic in the East? You were the two men who would be most concerned, weren't you -- not Grawitz?

A No, we were not the only men because this epidemic was also threatening the civilian population and the civilian sector was just as much concerned as we were, and also the Army inspectorates and the Naval inspectorates and the Luftwaffe inspectorates were, of course, also interested in the question. This is expressed by the fact that the Robert Koch Institute had its own production facilities. I do not believe that I was the only one, with Professor Handloser, who was interested, and the Reich Physician SS was my superior, and Handloser was the superior of the whole SS and he was also responsible for the police. Therefore, he also was interested and he actually was responsible for taking care of the field of planning and research. This was not the case with me because I worked on other tasks. I was mainly interested in the results of the production which became reality in the fall of 1943, when we were able to manufacture thirty thousand portions of vaccine.

Q Well now, the production of vaccine was a problem which concerned you and also concerned Dr. Handloser, as he stated when he was on the stand. Now, the Weigl vaccine, which perhaps was the one that you had in the most quantity at that time, you needed to experiment, didn't you? Now you couldn't produce the Weigl vaccine in sufficient quantity, therefore experimentation was necessary. Now, do you mean to tell me a man who was as interested in the production of vaccine as you were, that you were so busy with these Quartermaster activities that you didn't have any possibility to dabble in the research problems?

A Yes, that is the way it actually was. At the time we really had other worries. There were plenty of them. We constructed new subunits, reorganized medical units. We worked out these problems. We made

protective paper for protection against the cold. There were many other similar tasks. For this we also had these special referents, the special scientists who had to take care of these tasks.

Q Well now, inasmuch as the production of vaccine was the paramount thought in your mind, from your standpoint wasn't research on typhus important in order that you could produce this vaccine in the quantities desired?

A It was important for me to obtain the necessary amounts of vaccine so that I could get them for my troops and to support the campaign against the lice and these were my main interests.

Q Then your first problem, when that became your main interest, was to determine what vaccine could be produced in the greatest quantities and with the greatest expediency, wasn't it?

A That was not my task. That was a task of the hygienists and it was also solved by them.

Q All right. Krugowsky was your chief hygienist at that time. Certainly you must have had several discussions with him about production of the typhus vaccine, didn't you? He was only two doors away apparently.

A I am sorry but at the time I only received the only information -- and I say that under oath and Krugowsky will also do it -- that no other -- also did not discuss these matters. I do not know why. Perhaps he was under the impression on account of a statement of Grawitz that I was not to concern myself with these things, and I purposely kept away from all these matters, and I have already given the psychological reasons for it.

Q Well, now, Doctor, let us not be childish about this thing. Even, Furrowsky, Din, and the diary substantiate the fact that this typhus station at Buchenwald was established by virtue of your orders. And I am going to read again, as you have read it perhaps a thousand times in the past few weeks; I am going to read again from the Din diary, which has been introduced as Prosecution's exhibit -- Document No. 265, which is Exhibit No. 237, and it says: "By order of the Surgeon General of the Waffen-SS, SS Gruppenfuehrer and Generalleutnant of the Waffen-SS, Dr. Gensken, the hitherto existing typhus fever research station the concentration camp Buchenwald has been the Department for typhus fever and virus research. The head of the Department will be SS-Sturmabfuhrer Dr. Din. During his absence, the station medical officer of the Waffen SS Major, SS Hauptsturmfuehrer Seven will supervise the production of vaccines. The chief of the scientific and administrative headquarters, SS Obersturmfuehrer and Lt. General of the Waffen SS Wehl, orders the construction of the clock of stone buildings.

"SS Sturmbefehlshaber Dr. Doe is appointed at the same time as chief department head for special missions in A T XVI (Hygiene), if the relevant department (its name) D (local affairs of the German SS) if the SS main headquarters."

What was the intent of him, at this time, as Chief in Department 16, which was under direct control of the interference by Grawitz; that was under our immediate supervision Department 16, that was not removed until August. This took place on the 9th day of January according to the diary, obviously this took place a little earlier, around the first three weeks earlier. You state now, Dr. Ding was not a subordinate in 1943, when he was conducting these experiments. Obviously this was our subordinate?

4. There are several others mentioned here which I have to clarify. It wasn't the office of Department 16, it was Kruzensky and there was another office under 16, which is also shown by the affidavit which I have also. Furthermore, it doesn't state that an order was

given to establish that station. But was July 2, 1943 in Block 50 for the new production establishment which was to be created there. And then the date of 8 January, I have already objected to this, this morning. I want to clarify that because the Diary has been presented here, and it has been admitted by Hovon that this diary was written all at the same time, so that this date is probably incorrect; and therefore, the date was probably given at a later period of time when presumably after the reception of 30,000 portions. That the experimental station which was already existed for a long time. It is shown according to the statement of Hovon, Hovon states quite clearly in the report, and perhaps I have it before me -- and he states approximately the initiative for giving it to him for Specter for typhus and virus research, this coincides with Dr. Danz. There is not an error, an error was not given. It was a question of fact as to which Danz gave his approval. These are statements which Hovon made, which I have just mentioned. Therefore, if I may summarize: If what is contained in the diary is correct, then it must be stated that only after the approval for change of the name or for a new name for the production establishment which was just starting out. That is, Pohl and the Commission for the recent construction and from the report of 1943, it is shown that the construction of this station lasted until 15 August, and then because of the lack of money, which halted this production establishment in Block 50 until January. It was at a period of time when this establishment had already come under the agency of Grawitz, and it was not subordinated directly to me.

Q All right, doctor, you state that was the only thing, is --
 A (interrogator) That was a very clear ascription. That was a
 very clear ascription but I have never given an order for any research
 bill; that wasn't my duty.

Q. Now, you stated that David said on the stand that this was in-
distinguishable with Bin, asked your permission to use the name. & you gave
him and asked your permission to use the name --

A (Interposing) That is quite possible, a suggestion may have been reached about that, but this suggestion was made or as Koen stated, that he made this suggestion and I gave my approval; that may be possible. It is quite possible.

Q Why would he need your approval?

A Or it might have been reported over Kugrowsky, I don't know. I cannot recall or that any more.

Q Why would he need your approval. You told us here today that when Din went to the experimental research station he was no longer subordinate to you. What would he be doing asking you if he could have such a thing for if he was not your subordinate.

A Well, this suggestion establishment which has been planned, that in Block 50 it should start as a department of the Science Institute, and its operation was postponed from August 1943, and that is clearly shown by the statement of Koen. They only moved in Block 50 in the middle of August.

Q Well, now, Block 46 in the Buchenwald Concentration Camp was set up in 1941, was it not according to Din's diary, January 1942 as a center of research?

A Yes in the spring of 1942, probably.

Q Under the command of Dr. Kugrowsky?

A No under the command of Dr. Ding and on order of Dr. Grawitz, as already Koen has stated. It is stated in the Koen testimony subordinate to Grawitz.

Q Now, did Din report to --

A (Interposing) As I have seen here from the files, the report if they went over Kugrowsky, and some of them went directly, according to the testimony, they were passed on to the Reich Physician SS, he did report to Koen in accordance with Koen and Kugrowsky, who stated correctly that he had a special interest in this error report, and that he had reported on it, and that he wanted to know everything which was involved in this connection.

Q Didn't ru rowsky report --

A (Inter: slm) An, I have received any scientific report from the experimental station. I never seen them and I never received them. I stated that quite clearly in the several questions in my preliminary interrogation.

Q Did Mr. Rawls report to you? He said he did.

A. He did it in the spring of 1943 when it could be seen what the results of the production of Typhus vaccine would be. Altogether, there were 40,000 portions, and 10,000 were intended for the concentration camps, and 30,000 portions were to be for the African SS.

Q Now, let us read to you Furrowsky's affidavit, the one in which your defense counsel introduced his supplement to this sworn statement, which I just showed it in no 12a. The last was changed out of the substance. That was prosecution's exhibit N . 423, and offered as Exhibit no. 282. In the second paragraph Furrowsky states:

"By reason of my position as Chief Hygiene Officer of the Waffen SS and Chief of L. T. XIV in the SS Operational Main Office and later of the Office III in the staff of the Reich Physician SS and Police, I obtained full knowledge of the position and activities of Dr. Paul Gatzken in his position as work of Dr. Peter Din who was the Chief of the Department for S. 488 Typhoid Fever and Virus Research at the Hygiene Institute of the Waffen SS at the Buchenwald Concentration Camp. Several times I received reports to which charts were attached from Dr. Din indicating the results of his experiments carried out there and I reported on them often to Dr. Gatzken, on occasions which shall be described later. I visited the above named Department in the Buchenwald Concentration Camp several times. Supervision of the research and the manufacture of S. 488 Typhoid vaccine carried out there was part of my scope of duties. By reason of my position I gained complete knowledge of the official connection between Dr. Gatzken and Dr. Din. Therefore, I am able to give testimony on that subject.

Quinton was put into solitary from 1940 until September 1, 1943.

At that time a reorganization of the SS Medical Service was carried out and I was placed directly under Dr. Grawitz, then Reich Physician SS and Police. In the beginning of 1942 --"

The statement now states it should be 1943, according to the affidavit put in this morning, --

"Dr. Grawitz ordered the formation of the Department for Spotted Fever and Virus Research at the Hygiene Institute of the Waffen SS in the Buchenwald Concentration Camp and appointed Dr. Ding as Chief of this Department. As I was at that time Chief of RPT XVI Hygiene in the SS Operational Main Office, I was the immediate superior of Dr. Ding."

Now, will you go back to that sentence. "As I was at that time," prior to your setting up that production station, "Chief of the RPT XVI, I was the immediate superior of Dr. Ding." Indicating that he was the superior of Dr. Ding at the experimental research station, which existed for nearly a year before the production station, and Bruckrow-sky was your subordinate. Now, will you go to paragraph 5 of that affidavit:

"Dr. Grawitz knew as a matter of course, that the Institute was founded for the purpose of providing the Waffen SS with an efficient vaccine against spotted fever. The Department for Spotted Fever and Virus Research at Buchenwald, medical experiments conducted at the Buchenwald Concentration Camp were carried out by Dr. Ding in order to determine the effect of various spotted fever vaccines."

"In April 1943 I made an oral report to Dr. Grawitz on the results

of experiments not productions, experiments carried out this far. In this report I gave the necessary explanations and showed Dr. Gonzken some charts which were sent to me by Dr. Ding's office, and which indicated the fever and pulse curves, the dates of the vaccination and artificial infection, the death rates, complications which arose, etc. One of the experimental series shown in the charts was carried out on people who were only infected but not vaccinated in order to find out the potency of the vaccines used in other cases."

Q Now, Doctor, this report that Dr. Dragowsky made to you, was it not obvious from the report that experimentations were made on human beings?

A No.

A. Yes, various things can be said in that connection and I would like to hear Professor Hrugowsky in this connection when he gets to the witness stand. I was charged with block 50, block 46 as Chief of the Production Facilities and I have stated that it can only have been information which was brief and did not go into detail and I am only surprised that he reported those 30,000 portions to me, and that he reported to me about the vaccine, and that the vaccine which was being produced for the SS was the best. In the meantime I have thought of this discussion and it certainly must have been very brief. I believe that I can remember that both of us were standing at the time. I would like to hear Dr. Hrugowsky when he takes the witness stand. I can only emphasize once more that if this had been a detailed discussion then I would have had an idea about the big figures of the experimental series, and as far as I remember 16 experimental series were made for typhus and 13 of another kind with a total of 29. Furthermore, the big figures of the experimental subjects which almost reached a thousand and the big number of fatalities which comes approximately to 210, and I can state here under oath that I did not know anything about what was going on. I did not know that Hovan was Ding's deputy. I did not know that Ding and his institute worked together with foreign scientists and I have only received knowledge about this from a certain Dr. Eyer and finally Dr. Hegan's personality is such that I can say something about these things, above all I want to state under oath these are things which only came to my knowledge here in the Palace of Justice, and it is exactly the same thing with the infections which were carried out. I did not hear anything about them from Hrugowsky.

Q. Now do you deny that Hrugowsky showed you the fever charts and curves and reports as he stated here in his affidavit?

A. I have already stated that in an interrogation that I cannot remember any documents. A. I have already stated the conversation was very brief and we were both standing and that can only have been in the days when, as I have already stated this morning, I was returned from the front at Leningrad when I had gall colic at Reiga and when I only returned to my

agency for a short period in order to settle work which had accumulated. Then I was being treated as a result of my gall colic. That is what I have to take into consideration in that connection, what I have stated under oath.

Q But you don't deny that Krugowsky showed you these fever curves and charts? You don't deny that, do you?

A I have just stated that I cannot remember - I cannot remember that he had any documents with him, but I cannot answer in the affirmative and I do not deny it.

Q Didn't you state in an interrogation last October that you thought you could vaguely remember a conversation you had with Krugowsky, and that the fever curves did not indicate to you that people were artificially infected. Didn't you say that last October in an interrogation here in Nurnberg?

A It was as follows: When I was told I did not have to give my testimony without first consulting my defense counsel, and at that time without a defense counsel I was confronted by Krugowsky. We actually were not confronted with each other but we had our backs to each other. I was behind Krugowsky so that I was even unable to see his face and Krugowsky did not have the word but the interrogator took the word from Krugowsky and they told me these things in a similar manner as you are telling them to me now and he told me, among other things, when I said I cannot remember that I was informed about the fact infections were made, and he stated if you don't want to call your comrade here a liar, we will follow up this matter to where it will state that I wasn't calling Krugowsky a liar. I regarded Krugowsky as a man I had worked with for many years and I couldn't imagine that he should have said anything which should not be correct. That was on the 23rd of September and on the 12th of October, after I had thought over the matter, I honestly remembered it, and I had a severe struggle with myself, because they said in the oath nothing is to be withheld and nothing should be added, and then finally I wrote down a statement and I made a statement that it was quite possible

that I had said it without the seriological character becoming clear to me, because I had not received any educational training in those fields. However, without having the knowledge which I have now and since perhaps at that time when I thought Hrugowsky would have to know if he had stated that, that I do not maintain any more now he knows that and reason which I have obtained from those 1,000 experimental subjects, and that is that 560 of them were infected and 250 dead.

Q Well, doctor --

A And even the figures 46 and 50 did not mean anything to me. I was not informed. I did not have any knowledge of these things. I have only heard of them for the first time here in the Palace of Justice, and I am quite sure that we were standing at the time, and I request that Professor Hrugowsky be asked about this subject here in the witness box so that the picture will be clear.

Q Isn't it quite obvious to you that people had typhus and that they were experimenting with those vaccines? How do you suppose these people contracted typhus?

A I have already stated that it is during I thought there was an entomologist solution, the fact that typhus should occur in as big a camp as Buchenwald, it seemed to me that the information that typhus had broken out as a result of an epidemic, and I thought that observations were being made on persons who had been vaccinated and persons who had not been vaccinated on the occasion of an epidemic. As I have already stated, I did not have any bacteriological or seriological training and I did not think people were being infected in order to test medicine. I did not reach that conclusion and I have already stated that in an interrogation, and then finally I began to understand it when I was told that in the interrogation by Hrugowsky, and I have already written it in the written statement which I gave in the year 1942, and I have also told that to Dr. Alexander and I have had two different injuries to my head. That was in 1942 and I had functional disturbances and I was unable to associate things too clearly. I believe that sometimes I fail to associate things properly,

and perhaps it may have been I failed to understand a report from Dr.
Krugowski.

Q Doesn't it seem ridiculous to you --

A. PRESIDENT: The Tribunal will be in recess at this time.

(A short recess was taken.)

THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunal is again in session.

KILL GERMANY - Resumed.

CROSS EXAMINATION (Cont'd.)

THE PROSECUTOR:

Q Now, Doctor, you have stated that you assumed that a typhus epidemic was raging in the Buchenwald concentration camp, and by that time these experimental subjects contracted typhus disease due to this epidemic. Now isn't it a little ridiculous to think that medical men of the caliber of Krugowsky would be conducting a Unit where they would experiment with anti-typhus vaccines on people who already have typhus--what is the value of the experiment?

A There was no necessity for an epidemic to prevail. In a large camp, as was the case in Buchenwald, there were currently new diseases and there was always typhus. We thought that a solution could be achieved by taking persons and vaccinating some and not vaccinating others and thereby observe them. I remember that at that at that time I had a bacteriological discussion on that subject and as I admitted this morning, I often made errors. I had no further scientific considerations about that matter since I lacked the education, and I can tell you nothing about it.

Q Well, let us not argue on that point any further, Doctor. I have no further question in regard to typhus. You state that the main feud existing over the Buchenwald Institute was Grunke, Krugowsky and Ding--is that correct?

A Did you say "series of events?"

Q I said "the chain of command."

A I see. It went from Ding, as Chief of the Experimental Station, to Dr. Reichsarzt-SS.

Q Then you state that in view of Kegen's testimony, Haven's testimony, and the affidavit of Haven, that is, Document NO 429, which is Prosecution Exhibit 281, where Haven states:

"From my association with Dr. Ding, I understood that the chain of command in the supervision of the 'Spotted Fever Experimental Station' was as follows: Reichsarzt SS Grunitz, Genzken, Krugowsky, and Ding."

A That was a false assumption. He said "I understood" and that was a false assumption.

Q Then we have Ding assuming this, Hoven assuming it from Ding, Dr. Kegan, the witness, and Krugowsky "assumed" that was the chain of command. However, you state that was Grunitz to Ding and that was all you know about it. Krugowsky didn't have anything to do with it either?

A Krugowsky was the expert. He was the so-called hygienic consultant who was asked to give his advice whenever necessary. I testified to that effect before. When some planning about a new vaccine was started, the Reichsarzt naturally asked Professor Krugowsky as the Hygienic expert who was at his disposal.

Q And Krugowsky at that time was your subordinate, hence I assume that you accept responsibility for any activities of Krugowsky in connection with the Buchenwald experimental station--is that a correct assumption?

A No, that is not correct; only for his services at the Hygiene Institute of the Waffen SS and as a departmental chief in my office, but not at the experimental station.

Q Well, now, let us go on to another subject, doctor. The Waffen SS fighting units were subjected to battle conditions. Were many of them wounded?

A The losses were very great, particularly because it was known that the Waffen SS divisions were always committed at the height of a battle. That was always customary and therefore the losses were relatively high. I can't give you any exact figures. I only know the figure of the first trial, that from 550,000, only 900 remained alive. That is to say, the losses were something like 400,000 or rather 320,000. These were the losses as I know them from the first trial. How many dead and how many injured there were, I can't tell you. I haven't any details

available.

Q Well, then, did you have a definite policy established for the care of your wounded soldiers, that is, did you have certain prescribed treatments with various drugs for gas gangrene, and battlefield wounds?

A That was the ordinary treatment of any wounded. The wounded were sent to the dressing station, then to the main dressing station to the rear; from there they went to the hospitals and there they were treated on the basis of the principles of surgery.

Q Then the actual preparation for wounds, any drugs to be used in that course, were of interest to you, weren't they? What I am getting at, Doctor, is that treatment with sulfanilamide would have been of considerable interest to you, wouldn't it?

A Yes. There were two trends prevailing with the medical surgeons. Some of them were very attached to this way of sulfanilamide treatment. I am particularly thinking of two who started producing themselves in order to be able to blow the sulfanilamide powder into the wound. Then there was another tendency prevailing where sulfanilamide was not used at all. The case was that every physician acted on the basis of his knowledge and conscience, and as I said before, there were a number of people who were very reticent in using sulfanilamide.

Q. Well, now Fischer has stated in his affidavit, which is Document No. 228, Prosecution Exhibit 234, that the gangrene bacterial cultures for use in the experiments were obtained from the Hygiene Institute of the Waffen SS. These experiments were carried out in 1942 and 1943, were they not?

A. Yes, it can be seen from the trials.

Q. The Hygiene Institute of the Waffen SS during that period of time was subordinate to Department 16, was it not?

A. Yes.

Q. Department 16 was subordinate to Amtsgruppe D, of which you were Chief, was it not?

A. Yes, that is correct.

Q. Now, these poison bullet experiments and these incendiary bomb experiments, which the prosecution charges against you, I have one question to ask; weren't these experiments of great concern to the Wehrmacht?

A. I always hear about these experiments on the basis of the films presented.

Q. And don't you think these experiments were of benefit to the Wehrmacht? wasn't there a possibility that the Wehrmacht would be interested in incendiary bomb treatment?

A. According to what I saw from the documents the treatment of chemical incendiary bombs was affected with so-called Molau's remedy, that is a haemorrhagic remedy, and personally I am very skeptical toward that, and I don't know what it can do for a wound. I don't believe any result was reached and I don't believe this experiment was ever exploited.

Q. Now, didn't you tell one of my interrogators a few months ago, I can't recall on what occasion, that you thought poison bullets and incendiary bomb experiments of interest to the Wehrmacht?

A. I didn't say anything about that. I don't know about it.

Q. Now, Doctor, do you know anything about the euthanasia program?

A. During the interrogations I said I as other physicians, attended medical conferences during the exhibition of the film. I went there and saw the film. A short time thereafter I met Professor De Grönus, Director of the Psychiatric Clinic in Berlin. I met him at the port where I was active, and

we had a discussion about that film, and exchanged views on the various aspects. At this opportunity Professor De Gromius told me very discretely about the Fuehrer's Decree, and said that a department had been created in the Reich Chancellery in order to carry out euthanasia. He said that this action was stopped in 1941, because of the interference of the Church, and that is what I knew about euthanasia.

Q. Well, now, what I am getting at, Doctor, you have testified before you saw a film, a euthanasia film, was that the same film that was brought up during the interrogation of Professor Leibbrandt, is that the film I accused?

A. Yes, I believe, where multi-pleurose came in play as a disease, and in my opinion that was a mistake.

Q. Well, my question to you in that regard, Doctor, is where did the film originate from, who was the author of the film, so to speak, were you able to ascertain that when you saw the film?

A. No, I don't know. I don't know what agency originated the film, and I do not know whether the invitation came from the civilian sector. I cannot tell you.

Q. Thank you. Now, Doctor, you have stated that in Department 15 or Amt 15, which was subordinated to you as Chief of Amtgruppe D, that Dr. Blumenreuter was Chief of that Division, that is Amt 15; now did Dr. Blumenreuter ever report to you in regard to sterilization experiments?

A. No.

Q. What was your subordinate doing in sterilization work?

A. I learned from the documents here that he was approached in order to obtain X-ray apparatus and with Dr. Blumenreuter the same situation prevailed as in the Institute regarding hygiene. As I said before the hygienic institute was the only institute in the country which was not only subordinated to the Waffen SS, but also subordinated to the other SS groups, such as the police, and that all branches of the SS approached this department in Berlin and demanded from the supply of apparatus, trucks, and so forth. In the course of his activity in science and research Dr. Grawitz could approach this pharmaceutical institute and could issue orders to them and could also invite a circle of collaborators and very easily exclude me. Of course in the

documents here we were concerned with the X-ray exhibit, of which I knew nothing.

Q. Yes, that is Document No. 212, which is Prosecution Exhibit 173, the subject of which is "Discussion of Sterilization of Women at Auschwitz Concentration Camp." It is most interesting to note, Doctor, that your immediate subordinate, Chief of Ampt 15 directly under your control, states in a letter which I shall quote, "In addition I should like to make a further request, it was SS Ober Brigadefuehrer Dr. Blumenreuter who finally managed to get me one suitable X-ray installation so that he could carry out that serious method of sterilization as proposed by Viktor Brack." It was signed by Tauber. What was one of your men doing in the Auschwitz Concentration camp, Doctor?

A. I don't know anything about it. Blumenreuter, for instance, supplied the Volksgesundheitliche Mittelstelle, and I received no knowledge of that, and the supply for the concentration camps originated from there and I received no reports from that, as Chief of the Waffen SS Medical Service.

Q. Did Dr. Hohlfelder have any connection with you.

H-o-h-l-f-e-l-d-e-r?

A. Dr. Hohlfelder was the commander of the X-ray unit. It was a very peculiar situation. It sounded like medicine, and one would imagine it was subordinated to me, but it wasn't subordinated to me, but to the operation of the main office, and was equipped only to people who had some medical experience. That was the only connection this X-ray unit had with the SS. This X-ray unit was really at the disposal of Conti, who had to decide where this unit was committed. The task of this unit was to take X-ray photos of certain persons and Conti defined them as the people who were to be compromised. The leader of the action was Professor Hohlfelder who was professor at Frankfurt University and later went to Posen University. That is all I can tell you about this.

Q. Of course you have noted that the Document No. 246, which off-hand I don't know the prosecution number, which is in connection with the case of tubercular Poles, that one of your subordinates, Hohlfelder, was also connection with the activities of Blume and Greiser. How do you explain the fact that your men were in all these programs, sterilization, TB Poles, typhus...

A. I can tell you Dr. Hohlfelder was not a subordinate. This unit was not subordinated to me. I can give you the testimony of Justtner, who is here in this building, to the effect that this X-ray unit was not subordinated to the SS but was directly subordinated to the Chief of Operation of the head office ordered by Himmler. He was not my subordinate.

Q. Well, now, Doctor, is Karl Wimmer familiar to you. W-i-m-m-e-r?

A. No, I heard this name here for the first time. I can't remember him before.

Q. Now, I want to call your attention to Document No. 194, Prosecution Exhibit 265, where Dr. Wimmer was to be transferred to the Waffen SS, in order to aid Dr. Hirt in his last experiments, which is another man coming under your jurisdiction as chief of the Waffen SS in connection

with Lost experiments. What do you know about freezing experiments, Doctor?

A. With reference to Dr. Wimmer I may say this man came at a time, as far as I know from the documents it was May 1943, when I had been at Karlsbad, and he certainly was not present at my office. If a physician was transferred the clerical went through my personnel office and I didn't necessarily receive any knowledge of it, but as far as I remember this letter must have been around 1943, at a time when I was caught in Berlin. At any rate, I don't remember Dr. Wimmer as a name of one of my physicians at that time.

Q Now, Doctor, do you also recall Prosecution Exhibit 79, which is Document 1612-PS, which I will read to you. This is a letter dated 13 December 1942, it is addressed to the following people: Hauptsturmfuehrer Dr. Rascher - No. 1; No. 2 - Berlin; No. 3 - Medical Office in SS Fuehrungshauptamt, which is your office in Berlin; No. 4 - Pohl and No. 5 - Ahnenerbe. The letter concerns the experiments of Dr. Rascher.

"Enclosed I am sending you a letter of the Reichfuehrer SS with an order for SS Hauptsturmfuehrer Dr. Rascher. You are requested to duly note and accord needed assistance to Hauptsturmfuehrer Dr. Rascher in the carrying through of his experiments."

This is obviously a report by Karl Brandt. Here you are receiving a letter indicating you were fully aware these experiments were being carried out on prisoners at Dachau. You received the letter?

A I was not the recipient of this letter. As I said before it was the SS Hauptamt and Mr. McHancy, the other gentleman, was corrected and said that he meant an agency of the SS. My office was called the Medical Department of the Waffen SS. It definitely was in error that it was the agency of the Reichsamt. SS. I never read this letter, nor did I receive it. I heard the name of Rascher for the first time at the internment camp.

Q This address here is Medical Office in SS-Fuehrungshauptamt, that is the German; that was your office - SS-Fuehrungshauptamt?

A Yes; SS-Fuehrungshauptamt.

Q The last paragraph in the letter, addressed to you, signed by H. Himmler, states: "The procurement of the apparatus needs for all the experiments should be discussed in detail with the office of the Reichsarzt-SS, of SS-Wirtschaftsverwaltungshauptamt (SS Main Office for Economics and Administration) and with Ahnenerbe. The necessary chemical products, medical supplies and glassware will be made available by SS-Sanitätsamt (SS Medical Office) Berlin." It was your office that was engaged in the work of Rascher at the time you were in complete jurisdiction over it?

A Yes, that came under the subject which I have mentioned; namely,

that the main medical department under Blumenruether did not only work for the Waffen SS, but for all other branches of the SS. Rascher could order from them whatever he liked on the basis of his authority.

Q I might also call your attention to Ding's Diary, No. 43, Document No. 538, Prosecution Exhibit 122, under the date of 1 February, 1943. The notation in Ding's diary states: "Department of Sanitization of the Waffen SS, SS Brif. Blumenruether: procurement of apparatus, instruments, tools, and chemicals for experiments by SS H'Stuf. Dr. Rascher." Your work was quite significant; Blumenruether was your immediate subordinate in Amt. 15?

I also wish to call your attention to Document No. 647, which was Prosecution Exhibit 124: Subject: "Cooperation with the Hygiene Institute of the Waffen SS." This is dated 16 December 1942. At that time the Hygiene Institute of the Waffen SS was subordinate to you; was it not?

A The Hygiene Institute of the Waffen SS was subordinate to me.

Q The letter states: "With reference to my letter of 9 June, 1942, regarding vermin control, a meeting took place first on 21 October 1942 with the participation of SS Standartenfuhrer Dr. Krugowsky and SS Untersturmfuhrer Dr. Scharlau, Kunscheckstr. 43/44. Under discussion was the cooperation not only in the field of vermin control, but also in the research-sphere of Rascher and with regard to the use of Gastein water in cases of freezing, as well as in various operational field of the Hygiene Institute, as had already been laid down in the interview with SS Untersturmfuhrer Dr. Scharlau on 6 November 1942.

"A further meeting took place then at the Hygiene Institute of the Waffen SS on 20 November 1942 in which SS Standartenfuhrer Dr. Krugowsky, SS Standartenfuhrer Sievers and Lecturer Dr. Hey took part. Dr. Hey promised on that occasion to send in his research plan."

Krugowsky was your subordinate on 16 December, 1942; was he not?

A That did he promise; I did not hear that last sentence?

Q Krugowsky was your subordinate on 16 December, 1942; wasn't he?

A Yes, I understood all that, only the last sentence.

Q Your subordinate was concerned with the research of Rascher. The

last sentence. The last sentence says that a further meeting took place at the Hygiene Institute of the Waffen SS on 29 November 1942 in which your assistant took part.

A I did not receive any report about that and it was not reported to me that Shugowsky visited the Hygiene Institute or that he made any visits there; I know nothing about these Mascher experiments.

Q What was your rank in the SS, Doctor?

A SS Gruppenführer.

Q You had control over the activities of your subordinates; didn't you?

A My control went as far as it was necessary. I controlled the various departmental chiefs, but only to the extent to which it was necessary. I gave them all the freedom which a scientist is to have.

Q I have no further questions, Your Honor.

BY THE PRESIDENT:

Q Witness, referring to the chart which you prepared, Ganzken Exhibit 5, which has been admitted in evidence, I note on the left of the block for Himmler, if you will look at the chart, the box containing the name Grawitz, under that is a box marked "Reichs Security Main Office;" who was in that office in charge of conducting that office?

A The chief of the Reichs Security Main Office was Heydrich and after his death Obergruppenführer Kaltenbrunner.

Q Now in the middle?

A This is S.S.W. V.H...., the main economic and administrative main office; its chief was Obergruppenführer Fohl.

Q In the box below that; inspectorate of concentration camps, who was the head of that?

A The inspectorate of the concentration camps was Gruppenführer Glücks.

Q And who was in immediate control of the camp at Buchenwald?

A The Camp Commander?

Q Yes.

A. I only learned that here; the name of the last commander was Oberfuehrer Tiesler. I think he was SS Oberfuehrer.

Q. Do you know who was the chief officer of the medical department in Buchenwald?

A. That was the camp physician. There were a number of physicians in the camp and the one with the highest position was called the camp physician and Dr. Hoven held that position in Buchenwald. For sometime after him it was Dr. Schildowsky as far as I know.

Q. Now, at the column on the right, the first box, "Personal Staff;" who was Himmler's Chief of Staff?

A. Personal staff, as far as I remember it was Obergruppenfuehrer Wolff. This was the first level.

Q. I did not get that name, witness?

A. W-o-l-f-f.

Q. In the box below "SS Operational Main Office?"

A. The chief was Obergruppenfuehrer Hans Juettner. There is another Obergruppenfuehrer Max Juettner who was with the SA. The name of this man is Hans.

Q. Now, the medical officer of the Waffen SS, the box below that; was that under your command?

A. Yes.

Q. Who was second in command to you?

A. That was the respective chief of the department for medical service. At first it was called Amt. 13, which was the highest office in my group of offices. This so-called chief of the medical service at the beginning of the war held the rank of an Oberfuehrer, his name was Oberfuehrer Fehrensens. He lost his life in Bucharest, then it was Brigade Fuehrer Berndt, who died after he was in prison for a short time. There was a certain Brigadefuehrer Kock and after that it was an Oberfuehrer of the Research Department, Dr. Bliss. These were the gentlemen who held this position and represented me in my absence.

Q. And the Hygiene Institute was that under Defendant Mrugowsky?

A Yes.

Q Can you tell me, witness, what person was in command of Block 46 where the typhus experimental station was located?

A The chief of this Block 46 was Sturmbannführer Dr. Ding.

Q And was he also the chief of Block 50 when the typhus vaccine was produced?

A Yes, that was added during the course of the year 1943, which was testified to by the Witness, Dr. Kogen. In June of 1943 Block 50 began to be built and on the 16th of August it was ready to be used. Production itself started somewhat later since much of the apparatus was lacking. A number of the apparatus was only delivered in December or rather September, so before 1943 production was started. This was at the time when the Hygiene Institute was no longer under my jurisdiction.

Q I have no further questions.

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RE-DIRECT EXAMINATION

BY DR. MERKEL:

Q. Dr. Merkel, counsel for the defendant Ganzken. Witness, with reference to the extermination of Jews during peace-time, that is to say, up to the year of 1939, you heard nothing in your capacity as the responsible chief physician of concentration camps?

A. No, I never heard anything about it.

Q. During that period of time, that is, up until the beginning of the war you found no objections to the medical institutions of the concentration camps - the hygienic care of the inmates?

A. No, there was no objection to be raised.

Q. The prosecutor when examining you once submitted that when describing these inmates you were actually speaking about the guards, the SS, and you were not speaking about the housing of the inmates. I want to clarify once more that you naturally meant that you actually inspected all of the institutions which were at the disposal of the inmates, that is to say, the accommodations, kitchen, laundry, etc. All of that definitely did not refer to the SS but to the inmates?

A. Yes, it referred to the inmates.

Q. You said that with reference to the leaders of the departments 13, 14, 15 and 16 you could issue orders to them. What's more could you touch?

A. I was their military and technical superior, that is to say, I could issue orders in a military and in a technical sphere.

Q. In the affidavit made by the witness Barnowski which I offered in evidence early this morning it is stated that in the correspondence under the title "Department for Typhus and Virus Research" there were the letters "RFSS", which is to say Reichsfuehrer SS?

A. Yes.

Q. Couldn't one conclude from that that there was a very clear subordination of this experimental station to the Hygiene Institute?

A. Yes, that seems to me to be true. You can usually conclude the superior agency from a letterhead.

Q. The list of Dr. Haven, the representative of Dr. Ding, was never touched upon by you on occasion of any conference that you had with Professor Hrugowsky and you never ordered it?

A. That's correct. I didn't know that Haven was the Deputy of Ding and the Chief of the Experimental Station. I didn't know that. I learned it here only.

Q. Not only you didn't know that but you never ordered it in any form?

A. Well, if I had ordered it I would have had to know about it.

Q. And I once more would like to emphasize another point; you already stated that during your cross examination when any monies went to you for the benefit of the Hygienic Institute they were only monies which accrued to the Hygienic Institute itself?

A. Yes, that's correct.

Q. As far as you know there was never any duty of Grawitz?

A. It was never ordered and there was never any written order to that effect.

Q. You were not the only leading physician of the SS as the prosecution tried to establish but you were one of a number of leading physicians in various different departments of the SS?

A. Yes, were all of the same level.

Q. You were a participant in the conference with Himmler in August 1943?

A. Yes, I was ordered to attend this conference together with Grawitz.

Q. Is it correct that the purpose of this conference in the first instance was clinical re-organization and re-construction for frontal soldiers?

A. Yes, we were concerned with the clinical re-organization of the Medical Service of the SS.

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Q. During that occasion were there any simultaneous discussions about experiments on human beings, concentration camps in general in any form?

A. No, no word was spoken about that in my presence.

Q. I once more would like to state in order to clarify the point that according to your memory Professor Mrugowsky in the Spring of 1943 did not report anything about the infection, the series of experiments, the controls, but rather that this report was only made within that frame as you already described it in detail this morning when examining.

A. Yes, that's correct.

Q. I have no further questions, Mr. President.

RE-DIRECT EXAMINATION

BY DR. FLEMMING:

Q. I would like to be permitted to put a few questions to the witness following the cross examination. Witness, --

THE PRESIDENT: Counsel, just announce your name.

A. Dr. Flemming, counsel for the defendant Mrugowsky. Witness, during cross examination you answered a question by the prosecutor in the following manner: Mrugowsky was the consulting expert officer by Grawitz; he was there for the purpose for which Dine was also assigned there.

A. Will you please repeat that? I didn't quite get it.

Q. Mrugowsky was the consulting expert officer by Grawitz and he was there for the same purpose for which Dine was assigned there, to.

A. No, that must be a mistake. That is something I wanted to clarify. I didn't say that. I said merely that Grawitz ordered the appointment of Dine and in that connection he asked Mrugowsky's advice, as he was the last medical expert -- advisor. I had never mentioned the word "expert officer." I didn't know of any such combination.

Q. In that connection I would like to ask you: the so-called is reserve officers?

A. Yes, that's true. I know that in most cases with very few

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exceptions they were reserve officers who acted as advisers. In my agency there were no advisers at all.

Q. So you really didn't mean that Mrugowsky was the consulting man in an official meaning of the word?

A. I merely meant that from case to case as the chief hygienic advisor he was at the disposal as an expert.

Q. Judging from your statement as I read it, one could interpret a close connection of Mrugowsky with Block 46 in Buchenwald where the experiments were carried out on inmates and it is for that reason that I should like to ask you once more: you said before that Mrugowsky was only concerned with typhus vaccine production but had nothing to do with the experiments of Ding's on inmates; is that correct?

A. I said that if production had started before August 1943 he would have still been my subordinate. The production of vaccine was supposed to be affiliated through the Hygienic Institute. As far as Block 46, the experimental station, is concerned the same is valid. That is, before here is he was only an expert and had to be at the disposal of the physician as an expert advisor. That is, to the Reichsarzts.

Q. You don't know how often the Reichsarzts made use of that opportunity?

A. I really don't know. I assume and I want to point out that is an assumption, that the Reichsarzts ordered the appointment of Ding and that in that case he took the counsel of Mrugowsky.

Q. Would you mean by that that he asked him whether he thought Ding was the right man for the position?

A. Yes, that's possible.

Q. Thank you. I have no further questions.

DR. GAWLIK: Dr. Gawlik, counsel for the defendant Hoven. Mr. President, I have a few more questions to put to the witness.

BY DR. GAWLIK:

Q. Witness, when testifying about the Hogen Department for typhus and virus research, you stated during the cross examination that Dr. Hoven had been the representative for Block Forty-six, that is, the clinical station?

A. I did not say that, personally. I merely cited it as an utterance made by Dr. Kogon.

Q. Well, here we are not concerned with reciting utterances of Dr. Kogon. He did not say it in this form, either. We are concerned with what you know yourself?

A. I said before I don't know anything about it.

Q. Now, witness, I am again presenting to you a document which had been mentioned once before, No-265. Mr. President, this is page 41 of the German Document Book, volume No. 12, and page 41 of the English Document Book, page 12. Would you please look at the statement made about the representation of Dr. Ding. One minute witness. Is it correct that according to this entry of Dr. Ding that Defendant Hoven was only a representative of the vaccine production?

A. Yes, that can be seen from this document, namely, that in his absence he had the supervision of the production of the vaccine.

Q. Can it be assumed that if the defendant Hoven had also been the deputy for the clinical station of Block Forty-six, that the diary would have stated that the Stabsarzt-SS was the supervisor of the clinical station and the production of the vaccine?

A. Well, how can I understand that question. I am--

Q. I am asking you whether it is to be assumed. Would not Ding have stated that in his diary?

A. This entry is from the 9 January 1943, and so far as I know from Dr. Hoven, the production of vaccine only started after his departure.

Q. Now, witness, I only want you to speak about the entry in the diary?

A. I assume that he was the supervisor for that, too.

Q. Can that be seen from the diary?

A. No, it can not be seen from the diary.

Q. You know nothing yourself, is that correct?

A. Yes, that is right.

Q. Now, if I presented this diary to you, I mean this entry in this diary, could you then maintain your statement which you made during the cross examination to the effect that the defendant Hoven was the representative of the clinical station, or, would you have to correct that statement?

A. I did not say that, but I cited it as an utterance of Hoven's. No, not Hoven, I mean Kogon, Dr. Kogon. I myself did not say that.

DR. FLEMING: That is all, thank you.

THE PRESIDENT: Any further examination of this witness?

MR. HARDY: I have no further questions, Your Honor.

DR. MERKEL: I have no further questions, Mr. President. Thank you.

(witness excused)

THE PRESIDENT: Have you a few documents you could offer before the recess time?

DR. MERKEL: Mr. President, I only have approximately six documents from my document book, and I think it may be more expedient to present my documents tomorrow morning, and I don't think I should need longer than half an hour for that purpose.

THE PRESIDENT: The Tribunal will be in recess until 9:30 tomorrow morning.

(The Tribunal adjourned until 4 March 1947 at 0930 hours)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 4 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal 1.

Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in court with the exception of the Defendant Oberheuser who is absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court save the Defendant Oberheuser who has been excused on account of illness. Her absence will not prejudice her interests in this case.

Counsel may proceed.

DR. BEZEL (Counsel for the Defendant Genzken): Mr. President, at the conclusion of my submission of evidence I am going to submit the documents which have not been submitted so far. They are only affidavits through which I am going to prove that nothing was known in the Medical Service of the Wehrmacht about experiments in concentration camps. Research did not belong to this sphere of the Medical Service of the Wehrmacht. Furthermore, I should like to emphasize by these affidavits the attitude of rejection toward Meisler and Grawitz on the part of Genzken. The first affidavit is Genzken Number 9, page 19 of the Document Book which will become Exhibit No. 9. This is an affidavit of Dr. Joachim Friedrich Hanisch, and I quote:

"From June 1942 until the end of the war I worked in the

"From June 1942 until the end of the war I worked in the medical office of the Waffen-SS under Dr. Karl GENZKEN, at first as technical adviser in the officers personnel department, and since September 1943 as chief of the department for organization. During this time I was in contact with Dr. GENZKEN and can therefore make the following statements:

"1. In spring 1943 a commission of Italian physicians paid a visit to Germany to inspect the medical institutions of the Waffen-SS. Dr. GENZKEN accompanied this commission on its trip through Germany and to the eastern front. At the end of this trip he went to Karlsbad for a few weeks' treatment. SS-Sturmabfuhrer GROSSMANN accompanied him on this journey. Owing to the strain of the treatment Dr. GENZKEN was for a time not completely fit for work after his return to Berlin. I think it unlikely therefore that Dr. GENZKEN took part in the Gstaadung (eastern congress) of the medical officers in the Berlin Military Academy for Medicine, on 24 - 25 May 1943, especially as Dr. GENZKEN never mentioned anything afterwards about any participation in this congress.

"2. The medical scientific research-work and planning of the SS came exclusively under the office of the Reichsarzt Dr. Grawitz, not under the SS-Operational Main Office or even the medical office of the Waffen-SS under Dr. Gensken. On every possible occasion Dr. Gensken stressed the fact that his office dealt exclusively with matters concerning the troops, matters which never included scientific tasks and plans of the SS. I do not know, and consider it completely out of the question that the medical office of the Waffen-SS would have ordered or even suggested setting up an experimental station for typhus research within Buchenwald concentration camp. When in 1942 an experimental station was put up for purposes of typhus research in block 15 of Buchenwald concentration camp, this was entirely the affair of the Reichsarzt and was neither the affair nor the task of Dr. Gensken. It is therefore also out of the question that the SS-Operational Main Office or the medical office of the Waffen-SS were the superior authorities for such a research institution of the Reichsarzt within a concentration camp, or that they were even involved.

"I knew Dr. Ding superficially as a member of the Hygiene Institute. I know of no reason why Dr. Gensken should have arranged for Ding's transfer to Buchenwald. I did not hear anything in our office, either officially or unofficially about typhus experiments on prisoners in Buchenwald, and even less that a large number of prisoners had died under such experiments. There was never any talk, either official or private, about deliberately infecting the prisoners. I am absolutely convinced that Dr. Gensken was not informed about such details, otherwise the subject of such typhus experiments would certainly have come up in the course of the innumerable conversations which I had with him since September 1943. I have never personally seen any scientific reports which Ding allegedly sent to the Hygiene Institute. I know nothing else on this subject and consider it completely out of the question that any correspondence took place between Ding in his capacity as head of his research station and the Medical Office of the Waffen-SS (Sanitätsamt der Waffen SS). All that we knew was that Dr. Ding's Institute in Buchenwald was manufacturing typhus vaccine from rabbit lungs or eggs which had been

injected. I think it quite possible that a station of this type for producing serum came under the organization of the Hygiene Institute.

"Nothing was known within the Medical Office of the Waffen-SS (Sanitätsamt der Waffen SS) concerning any sulfonamide experiments made in the Ravensbrueck concentration camp, nor was anything known of the fact that, in Winter 1943 - 1944, Dr. Bragowsky and Dr. Ding all made experiments with poisoned shells and healing experiments on burns caused by phosphoric incendiary bombs. I am convinced that Dr. Gensken knew nothing about these experiments.

"The personal relationship between Dr. Bragowsky and Dr. Gensken was cool and was not calculated to encourage any exchange of ideas after Bragowsky had been promoted Chief Hygienist on the staff of the Reichsamt and after the last shreds of an official connection had disappeared.

"3. With regard to Dr. Gensken's relationship with Himmler and Grawitz I can make the following remarks:

"I know that Dr. Gensken wanted to have a theosophic pamphlet printed in the spring of 1944."

Obviously the witness doesn't know when that took place. From the testimony of the witness Gensken it can be seen it was in the spring of 1944.

"Himmler, in an abusive letter of reply, refused to give his permission for this and turned him that he could only have the pamphlet printed, if he no longer belonged to the Waffen-SS. Thereupon Dr. Gensken wanted to resign; his resignation, however, was refused. I also recollect that Dr. Gensken reportedly spoke of the following incident: In the course of a conference of technical advisors with Juttner, the Chief of the Operational Main Office, in 1941, an alleged infection with venereal disease of the German Garrison was mentioned. In a written report, which was submitted to Himmler spoke of SS-physicians lacking in honor and sense of duty. Gensken jumped up from his seat at these words, and, in the presence of the other leaders, said, that he would not allow himself to be humiliated, even by a Heinrich Himmler. On this occasion well, he tendered his

refused and again it was refused.

"I have known Dr. Karl Gonsken since 1941, and have been closely connected with him since 1943. I often met him both officially and unofficially. His words and actions always showed a high medical ethics. I am absolutely convinced that he never engaged in any kind of illegal actions or crimes against humanity, and that he never allowed such actions without objection."

"In the years during which I was closely connected with Dr. Gonsken, Dr. Gonsken and Dr. Gonsken were constantly on bad terms with each other. The Reichsarzt SS, who, with regards to medical matters of the Waffen-SS, only had the right to make inspections and to give professional orders, was only informed of the affairs of the Medical Office by Dr. Gonsken, in very urgent cases.

"Gonsken would never have tolerated any unauthorized person, in this case Dr. Gonsken, to meddle with his affairs. Characteristic of the Reich physician was his frequently repeated statement, in any subject which had nothing to do with his case into a discussion, (e.g. conference with the commissar of the Chief of Health matters, Prof. Brandt, regarding the transfer of doctors for the Waffen-SS): 'Leave what to me, it is a highly diplomatic matter, you will make a muddle.'

"In the consequence Dr. Gonsken dealt exclusively with the medical needs of the field and home units of the Waffen-SS, including hospitals of the Waffen-SS, in the field and at home."

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DR. MERKEL: The next document will be Genzken No. 6, which is on page 13 of my document book. This will be exhibit N. 10 and I quote: This is an affidavit of Max Peters:

"I was Chief of the Main Department for Personnel Matters in the Medical Office of the Waffen SS, from September 1943 to January 1945. Scientific research and planning did not come under the Medical Office of the Waffen SS, but was under Reichsarzt Dr. Grawitz. It is quite out of the question that the SS Operational Main Office, and with it the Medical Office of the Waffen SS, was a superior office over an Institute for Scientific Research of the Reichsarzt, in the Buchenwald Concentration Camp.

"During my activity in the Medical Office of the Waffen SS, I knew nothing of the fact that Dr. Ding sent regular reports at regular intervals to the Medical Office of the Waffen SS, concerning his activity at Buchenwald. Nothing concerning these experiments was ever mentioned in the official meetings, or on other occasions; the office in particular was never informed that a great number of prisoners were taken in, or that in consequence of intentional infection, prisoners died under these experiments."

I next offer the Document Genzken No. 8, which is on page 17 of my document book, and this will become Genzken Exhibit No. 11. This is an affidavit of Herbert Grossman, and reads: I quote:

"I was technical medical leader and personal technical advisor for the medical personnel on the staff of the medical chief of the Waffen SS, Dr. Karl Genzken, from 1942 until the end of the war. From my knowledge of the situation, I can make the following statement:

"Scientific research and planning came under the office of the Reichsarzt SS and Police Dr. Grawitz. If, therefore, an experimental station for typhus was established within Buchenwald concentration camp, it must have been set up by the Reichsarzt SS; the appointment of the head of this office must also have been made by him and not by Dr. Genzken. Relations between Dr. Grawitz and Dr. Genzken were rather strained.

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due to the fact that Dr. Grawitz was anxiously and jealously interested in preserving his competences untouched in every way.

"I knew nothing of the fact that during meetings of technical advisers, or on other occasions, typhus experiments in Buchenwald were discussed officially or unofficially in our office in Berlin. Consequently, nothing was known with regard to the fact that inmates were deliberately exposed to infection and that such inmates died. Personally, I have never seen or heard of any scientific correspondence regarding research work done by Dr. Ding.

"I never heard anything officially nor unofficially during my service in the medical office, with regard to sulfonamide experiments made in Ravensbrueck..."

I now offer Document No. 3 which is on page 5 of the document book and this will become Gensken Exhibit No. 12. This is an affidavit of Oskar Hock and reads as follows and I quote:

"As far as I can remember I worked as chief of the medical service in the medical office of the Waffen SS from the beginning of May 1940 until about 20 June 1940 and with certainty from the beginning of September 1940 until 15 February 1941, and from 15 July 1943 to 1 September 1943. During that time my field of work comprised the supervision of the troops' medical service at the front and at home, field hospital affairs, medical statistics, the setting up of new medical units for the front troops, as well as the troops' welfare affairs. From 15 April 1944 until about 15 August 1944 I was entrusted solely with inspection duties in the medical office of the Waffen SS (inspections of field hospitals and other duties within the troops' medical service). During these periods Dr. Karl Gensken was chief of the medical office of the Waffen SS, and I, my immediate superior.

"For the time of my activity in the medical office of the Waffen SS I can make the following statements:

"During my activity as Division Director - it may have been toward the end of 1933 or in the first half of 1934, I learned that the lack of typhus vaccines would be overcome by the SS producing vaccines of their own in Buchenwald. Details about the production of the vaccines, however, or even about preceding experiments on living human beings, I found out neither at that time nor later during my activity in the medical office. I never heard that the Typhus Institute at Buchenwald was supposed to have been under the official supervision of the medical office of the Waffen SS. I do not think it likely either -- and at present it exactly -- that the medical office of the superior office of this institute, for research and planning in the medical field was exclusively a matter of the Reichswehr SS.

"The hygienic institute of the Waffen SS, with the inner organization of which I was never acquainted, worked not only for the Waffen SS in the strict meaning of the name, but also for all SS as well as for the actual Waffen SS and for SS formations subordinate to the Reichswehr SS, for instance the SS main offices, other SS and police leaders, and military office for Adolf Hitler etc. The same is true for the main medical office. During the reorganization of the offices 'Reichswehr SS' and 'Medical Office of the Waffen SS' on 1 September, 1934, all hygienic institutes and medical camps were immediately subordinated to the office 'Reichswehr SS and Police.'

"Subsequently, of course, all human and pig iron experiments did not become known to me during my activity in the medical office of the Waffen SS nor otherwise. I am convinced that only a very small circle of persons knew something about medical experiments on living human beings and only insofar

as these persons were needed directly for the execution of the orders given by the Reichsfuehrer SS or the Reichsarzt.

"During my activity in the medical office of the Waffen SS I did not hear of an SS physician named Ellenbeck who is said to have worked with preserved blood. Neither did I ever hear of him otherwise.

"There was no department for concentration camps in the medical office of the Waffen SS during my period of activity there.

"I could see on the basis of several private conversations with Dr. Gensken that Dr. Gensken was by no means eager to keep his position under all circumstances, but rather he reportedly considered resignation due to sharp controversies with the Reichsarzt, and that he even wanted to support his wish to resign to the chief of the SS operating medical office, Guettner. Whether it ever came to that, I do not know.

"There was a general antipathy among the SS leaders of the medical office of the Waffen SS against the Reichsarzt because of his entire personality. There were also frequent differences because the Reichsarzt SS reportedly tried to interfere with the military competence of the chief of the medical office. On several occasions Dr. Gensken made remarks to me against Dr. Grawitz and his method of administration. I remember that he complained to Guettner about Grawitz.

"I also knew that there was talk that Grawitz attempted to exert information from expert assistants from the medical office of the Waffen SS who came to see him. In doing so, he would have ordered these expert assistants not to report anything to Dr. Gensken.

Immediately after the end of the campaign in the West I met Dr. Ding. During the campaign in the West he was adjutant to a division physician. In the circles of comrades there was at the time much talk about letters which Ding wrote to his wife, reporting about his special deeds during the campaign in the West, deeds which he actually never performed. I personally considered him to be a person with an extraordinary need for recognition. When useful for his purposes he was not scrupulous with the use of the truth and was inclined to exaggerations. During my activity in the medical office of the Waffen SS I do not know that Ding was there in the Main Section Chief

for Special Hygienic Tasks.' As far as I know, such a section for special tasks did not exist at all."

And I further ask that I be allowed to offer Genzken No. 5, on page 10 of my document book, which is going to be Genzken Exhibit E. 13. This is an affidavit of Dr. Liebau, and reads as follows and I quote:

"From the end of May 1940 until August/September 1942 I was working as personnel advisor in the Medical Office of the Waffen SS. At that time Dr. Karl Genzken was the head of the Medical Office of the Waffen SS. I belonged to that circle of persons who had the closest official connection with Dr. Genzken. I was continually in contact with him. I also frequently met Dr. Genzken unofficially. Our offices were in the same building. On account of my appointment as personnel expert in the medical office of the Waffen SS, and because of my close official and private contact with Dr. Genzken, I can make the following statement concerning the period from the end of May 1940 until August/September 1942:

"Problems of scientific research and planning in the medical sphere within the jurisdiction of the Waffen SS were dealt with exclusively by the Reichsarzt-SS Dr. Grawitz, and not by the SS Operational Main Office or the Medical Office of the Waffen SS, which was under the supervision of Dr. Genzken. In the same way every scientific publication in this field on the part of the physicians of the Waffen SS had to be approved by the Reichsarzt-SS Dr. Grawitz. Had scientific research work and planning within the sphere of activity the Medical Office of the Waffen SS would have had a corresponding department, and this would have been planned and set up. But there was no section or department for scientific research and planning within the Medical Office of the Waffen SS. In addition to the adjutant's office and the special fields "Personnel and Administration" the following special fields were handled by the Medical Office of the Waffen SS Medical Service, Dental Service, Pharmaceutical Service and Hygienic Service. Their tasks consisted exclusively of medical services of the members of the Waffen SS at the front and at home. There was a department for a medical service in the concentration camps

within the Medical Office of the Waffen SS during my appointment. Thus, as far as I remember, I have neither seen any correspondence on research and experiments on concentration camp prisoners during my appointment with the Medical Office of the Waffen SS, nor have I heard of any. Dr. Genzken, whom I also often met outside the office - as I have already mentioned above - has never talked to me of experiments and medical tests on human beings, as far as I remember. I never heard anything about experiments with sulfonamides or of typhus experiments on concentration camp prisoners, during my activity with the Medical Office of the Waffen SS. Dr. Genzken was highly esteemed by the physicians of the Waffen SS and was generally considered to be 'the father of the SS physicians'.

"Because of my position as a personnel expert in the Medical Office of the Waffen SS I know that Dr. Genzken had controversies with the Reichsarzt-SS Dr. Grawitz and that strained relations existed at times between Dr. Genzken and Dr. Grawitz, due chiefly as far as I can remember to a difference of opinion concerning the method of dealing with ordinances and decisions made by the Reichsfuehrer SS Himmler, or his staff. As far as I remember it concerned, among other things, personnel and disciplinary matters. Furthermore, I remember that in about 1942 Dr. Genzken met Goettner, the chief of the Operational Main Office, for the purpose of settling a discord between Dr. Genzken and Dr. Grawitz. As far as I remember the limits of their fields of action were clearly divided once again, presumably as a result of this conversation. Finally, I remember an incident concerning a unit of the Waffen SS stationed in Poland, which was said to be infected with venereal disease. The incident worried us considerably, as physicians of the Waffen SS. I think that I remember that during a meeting of the consultant experts in the SS Operational Main Office a letter of Himmler was read, in which the reputation of the physicians of the Waffen SS was severely attacked, on account of this alleged state of affairs. Furthermore, I remember that Dr. Genzken is said to have declared on that occasion that he would not permit his reputation to be injured even by Heinrich Himmler. I myself was not present

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at this meeting of the consultant advisers. Later on, i.e. in 1948, I
payed several private visits to Dr. Genzken and I know that he kept him-
self more and more in the background both officially and private, with
regard to his relation to Dr. Grawitz."

I further offer document Genzken No. 16 which is on page 35 of the Document Book. This will become Exhibit Genzken No. 14. This is an affidavit made by the repeatedly mentioned Carl Blumenthaler. It reads:

"I was chief of the Office XV (Chemical-Pharmaceutical Service) in the Medical Office of the Waffen SS until 31 August 1943, and from then until the end of the war Medical Supplies Officer (Zeugmeister) of the SS at the Office of the Reich Physician SS and Police Dr. Grawitz.

"On the basis of my years of activity with the defendant Dr. Carl Genzken, I can testify as follows:

"There was no department for scientific research and planning in the Office of the Waffen SS. There was only such a section in the Office of the Reich Physician SS and Police. The Medical Office of the Waffen SS in the SS Fuehrungshauptamt could therefore not have been the superior office of a scientific research institute of the Reich Physician SS in a concentration camp, as the Medical Service in the concentration camps was subordinate to the Reich Physician SS and Police, through the directing physician at the Inspectorate of Concentration Camps.

"As far as I am concerned, the typhus business was handled as follows:

"As there was a shortage of typhus vaccine, it was decided as early as 1941 to produce these preparations at the Hygiene Institute and to establish a special laboratory in Buchenwald.

"Dr. Ding was made the head of this laboratory by Professor Krugewski. The exclusive reason why this laboratory was not installed until the beginning of 1943 was that Dr. Ding contracted typhus in 1942 and, after his recovery, was ordered to Paris until the end of November 1942. In 1942 Grawitz induced Himmler to order the establishment of an experimental station for typhus research in the Concentration Camp Buchenwald and made Dr. Ding the head of this station. The beginning of activities at this station was not made known to me, since it was a purely medical concentration camp matter.

"The typhus vaccine produced at the Buchenwald laboratory was sent to central medical warehouses for distribution, in agreement with the Hygiene Institute.

"I never heard anything about the experiments at the Buchenwald experimental station. As far as I could observe, these matters were not discussed in the Medical Office or the office of the Reich Physician; in particular, experiments with intentional infecting of human beings were never discussed.

"Nor did I ever hear anything at the Medical Office or at the office of the Reich Physician about sulfonamide experiments research in Ravensbruck.

"I never saw scientific reports or any correspondence concerning these research experiments.

"I have known the defendant Genzken since 1936. It was a pleasure to cooperate with him in his mainly organizational activities in the military medical service of the Waffen SS. I can state from this my work and cooperation that he was never interested in scientific research and certainly not in experiments with concentration camp prisoners; lack of time alone in view of our extensive organizational activity, made it impossible to engage in scientific research problems.

"Furthermore, I know of the tension which existed between Grawitz and the defendant Genzken, which caused him to keep out of the scope of Grawitz activities. He never, either officially or personally, discussed experiments on concentration camp prisoners.

"Genzken had no ambition for advancement within the medical service of the SS. On the contrary, he often considered leaving his job in favor of a younger SS physician with experience at the front."

The next document will be Genzken No. 17 which can be found on page 38 of my defendant book.

Mr. President, I think the English translation does not bear the number 17 and I ask you to excuse this oversight. It is on page 38 of the defendant book. Genzken No. 17 becomes Exhibit Genzken No. 15. This is an affidavit by Rudolf Tenendorff. I quote:

"From March 1942 until the end of the war I was in charge of the administration in the Medical Office of the Waffen SS. At that time Dr. Genzken was Chief of the Medical Office of the Waffen SS and therefore my immediate superior. As long as I was in the Medical

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Office of the Waffen SS I never heard anything about medical experiments on concentration camp inmates, nor did I see any documents on this subject. Scientific research and planning, as far as I know, were never the job of the Medical Office of the Waffen SS, but the exclusive job of the Reich Physician SS, Dr. Grawitz. I never heard anything about a typhus experimental station or a vaccine production plant in Block 46 and 50 respectively at the Buchenwald concentration camp.

"I was in charge of the military hospital wards, of office IV of the SS Führungshauptamt, while Starbartenführer Mueller was in charge of the independent military hospitals. Dr. Gensken was the superior of the military hospitals wards and the military hospitals.

"In all the wards of which I was in charge there were chiefs of the pay roll office - these were trained officers and non-commissioned officers in the medical administrative service who were in charge of the economic interests of the various offices, and who had to balance their accounts with me. If the "Typhus Research Station" in the Buchenwald concentration camp had been under the Hygienic Institute of the Waffen SS in Berlin and thus under the Medical Office of the Waffen SS it would have had to have such a pay-roll officer, which was never the case.

"I never paid out nor instructed anybody to pay out any budget funds or other monies for scientific experiments or for institutes which served this purpose, because those scientific research matters did not concern the Medical Office of the Waffen SS, but were attended to exclusively by the office of the Reich Physician SS and Police, Dr. Grawitz.

"It was generally known in the Medical Office of the Waffen SS that there were differences between Dr. Gensken and Dr. Grawitz. I don't know any details about this however.

"During my work in the Medical Office of the Waffen SS, Dr. Gensken and I cooperated perfectly, and there never arose any differences of any kind between us. Dr. Gensken was considered to be a just chief in the Medical Office and was morally liked."

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The last document I ask you to accept - Document Gonzken No. 15 page 31 of my document book, which will become Exhibit Gonzken No. 16. This is an affidavit by the superior of the defendant Dr. Jouttner who was chief of the SS Operation Main Office.

THE PRESIDENT: Just a moment, counsel, what is the page in the English Document Book?

DR. MERKEL: Page 31, your Honors.

THE PRESIDENT: What is the number of that?

DR. MERKEL: It bears the number 15, Gonzken No. 15.

THE PRESIDENT: Gonzken Exhibit number what?

DR. MERKEL: Exhibit No. 16, Document 15, Exhibit No. 16.

THE PRESIDENT: You had Exhibit No. 16 for Gonzken Document No. 14. What number did you give Gonzken No. 14?

DR. MERKEL: Gonzken No. 14 was already submitted. It had Exhibit No. 4. I submitted that when examining the witness. That was Gonzken No. 4.

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JUDGE SEBRING: Would not Genzken No. 15 be Genzken Exhibit No. 15 as well? If not, what is Genzken Exhibit No. 15?

DR. MERKEL: No. Document Genzken No. 15 will become Exhibit No. 16.

JUDGE SEBRING: What will be Exhibit No. 15?

DR. MERKEL: That was Document Genzken No. 17 which I just read. We are concerned with a affidavit by Hans Justtner who was the direct chief and superior of the defendant Genzken and chief of the Operational Main Office and I quote:

"From August 1940 (foundation of the SS-Fuehrungshauptamt) SS Operational Main Office until 30 January 1943 I was chief of staff of the SS-Fuehrungshauptamt. Until then Himmler himself was chief of the SS-Fuehrungshauptamt. From 30 January 1943 on I was chief of the SS-Fuehrungshauptamt.

"From July 1940 on I was the military superior of Dr. Genzken, the Chief of the Medical Office of the Waffen SS.

"Dr. Genzken's position as Chief of the Medical Office of the Waffen SS was the position of troop commander of the medical units of the Waffen SS. He was solely responsible for their training, the establishment of new units and their equipment. He was in charge of replacing personnel losses in field troops. For this purpose he had under his medical reserve unit, several medical schools, military hospitals at home, and, to a limited extent, the SS medical academy. In these units recruits were trained as medical personnel and other medical enlisted personnel were trained for ratings. In his office he also had to collaborate as an organizer in the different war dispositions of the medical units. Furthermore he was responsible for troop hygiene.

"Dr. Genzken never had anything to do with medical research or scientific experiments, as such things did not belong to his sphere of duties. By reason of a definite written command of Himmler, the Medical Office of the Waffen SS was excluded from scientific research and planning. The latter functions, by reason of this order, was the exclusive responsibility of Reich Physician SS Dr. Grawitz, who was a professor and scientist.

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"Dr. Genzken was introduced to me by Dr. Grawitz as successor to Dr. Dermietzel in the summer of 1940. Dr. Dermietzel had to resign owing to personal differences with Dr. Grawitz. In Dr. Genzken I discovered an experienced, seasoned troop medical officer, who appealed to me on account of his open and frank nature. Good cooperation was established. On the other hand, I was quite certain from the very beginning that differences would eventually arise with the Reich Physician SS, Dr. Grawitz, when Grawitz noticed that Genzken and I had confidence in each other. Grawitz was a morbid, ambitious and vain man who perpetually imagined that his position as Reich physician SS was imperiled if another higher medical officer had an established position of his own. Consequently Grawitz invariably attempted to undermine the positions of such officers by frivolous utterances to Himmler. It is known that Himmler unfortunately was deceived by such things. I can remember that in 1941 Himmler had selected Dr. Genzken as the successor of Grawitz, whose position had become insecure. I informed Dr. Genzken of this intention of Himmler. Dr. Genzken objected energetically, because he preferred to remain in the troop medical service, as he did not consider himself suitable for scientific research. Grawitz apparently soon knew or otherwise got wind of this. The result was that the relations between him and Dr. Genzken became rather strained.

given by Himmler to Grawitz and from the latter to the SS Economic and Administrative Main Office - in view of the prevailing state of affairs - for incorporation in the budget. This Main Office alone was empowered to set up a budget conjointly with the Reich Finance Ministry." And this brings me to the end of my submission of evidence.

JUDGE SEHRING: Doctor, will you go back to your document book and advise us what exhibit number you have given to Gensken Exhibit No. 4 on page 2?

DR. HERMEL: You are quite right, Mr. President, I beg you to excuse me. I am not submitting that document.

JUDGE SEHRING: It will not be submitted at all?

DR. HERMEL: It is not being submitted at all for the simple reason that it is an affidavit of the very same Blumencruter and it bears the same contents which I have already read and I think I can well dispense with the reading of this affidavit.

THE PRESIDENT: Then Exhibit 16 - I mean Document No. 16 in your Exhibit No. 14. Is that correct?

DR. HERMEL: Yes, that is correct, Your Honor. I only ask you to permit me, Your Honor, to submit perhaps two or three affidavits which deal with the same subject as we have already been discussing at a later stage. These are affidavits which I have not yet been able to obtain. Perhaps two or three short statements which I would like to be able to submit subsequently.

THE PRESIDENT: Those affidavits may be offered when they are ready to be presented and they will then be considered by the Tribunal.

DR. HERMEL: And this concludes the submission of evidence in the case of the defendant Dr. Karl Gensken.

THE PRESIDENT: Is there any rebuttal by the prosecution?

DR. HUNKE: The prosecution has no rebuttal in this case at this time, Your Honor.

THE PRESIDENT: The Tribunal will open the next case - the case of the defendant Gebhardt.

MR. SEIDL (Counsel for defendants Gebhardt and Fischer): Mr. President, Gentlemen of the Tribunal, before I begin to submit evidence on behalf of Dr. Gebhardt and Dr. Fischer I ask you to take notice of the fact that during the course of the examination of the defendant Gebhardt I shall refer to documents of the prosecution which can be found in the following books of the prosecution document books: Document Book No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12. Furthermore, I shall refer to the following evidence of the prosecution which was submitted outside of the document books, that is, Exhibit No. 211, No. 219, No. 220, and 224. The document book which I submitted contains documents which refer to the defendants Dr. Gebhardt, Dr. Oberhausen and Dr. Fischer. For the sake of simplicity I shall submit these documents under the designation "Gebhardt". At a later date I shall submit an annex to the document book. Unfortunately there has been a delay in the submission of this volume as a number of affidavits have not arrived. With reference to the volume which is available now, I should like to state that it contains a number of affidavits which have been certified in accordance with the rules of the Tribunal but where the certification notice was not included in the document book because the affidavits would have had to be sent back to the witness for the purposes of certification and since I have already sent these documents to the language division to be translated, and I shall, at a later date, read the certification into the record.

Gentlemen of the Tribunal, I am beginning the submission of evidence...

THE PRESIDENT: (Interrupting): Mr. Seidl and Undersecretary, Doctor, that you represent the defendants Gebhardt, Fischer and Oberhausen. The Tribunal also understands that you have, in writing, recommended that the defendant Oberhausen be excused at this time in order to undergo an operation at the American Hospital in Hamburg. That was with your approval and consent as will be made a matter of record before the Tribunal. That is correct, is it not?

MR. SEIDL: Yes, Mr. President, that is correct.

THE PRESIDENT: And I understand that in offering evidence on behalf of the defendants Gebhardt and Fischer that you are reserving the right to offer that same evidence, by reference, when the case against the defendant Oberhouser is called, when she is able to be again present in Court and present her defense. Is that correct?

DR. SEIDL: Dr. President, the document book which I have submitted contains documents which refer to all three of the defendants. When the turn of the defendant Oberhouser comes, I shall refer to these documents without it being necessary to read them once more and again submit them to the Tribunal. All the documents which are available here I am going to submit within the frame of presentation of evidence at the present, and for that reason it will not be necessary to again submit these documents. I naturally reserve the right that I will be able to refer to this evidence in the case of the defendant Oberhouser.

THE PRESIDENT: The Tribunal understands, Doctor, that in your opinion the rights of the defendant Oberhouser will not be prejudiced before the Tribunal by following that plan. Is that correct?

DR. SEIDL: Yes, that is correct.

THE PRESIDENT: Counsel for defendant Oberhouser you are content with that procedure and, in your opinion, the rights of the defendant Oberhouser will in no wise be prejudiced by following that procedure, is that correct?

DR. SEIDL: I'm of the opinion that through this procedure the rights of the defendant Oberhouser are not going to be prejudiced and I have already stated that in my written application to the Tribunal a few days ago.

THE PRESIDENT: The Tribunal has your written application and it will soon be made a matter of record upon the record of this Tribunal.

Counsel, you may proceed.

DR. SEIDL: Gentlemen of the Tribunal, I begin the submission of the relevant evidence with the presentation of a few affidavits which refer to the personality and activity of the defendant Dr. Karl Gebhardt.

THE PRESIDENT: Will the Secretary General procure the document? The
Tribunal - the prosecution document books referred to by the Counsel?

DR. SEIDL: The first document I am submitting is an affidavit of the Swiss professor, Dr. Iselin, dated 8 January 1947. This document is on page 52 of my document book and it bears #7 in the index. Professor Dr. Iselin from Basle is one of the best known European surgeons and can be designated as the most renowned specialist for orthopedy. I am submitting this affidavit as Exhibit Gobhardt No. 1, and I quote:

MR. HARDY: If it please the Tribunal, am I correct in understanding Dr. Seidl that this is an example of what he is referring to when he states that this does not have a jurat and that he is securing same or will have that read into the record at a later date?

DR. SEIDL: This is one of the pieces of evidence which is already certified.

MR. HARDY: Since the jurat is on this, I withdraw the objection.

DR. SEIDL: I quote:

"Basle, 6 January 1947.

"Having been informed of the consequences of a false affidavit I testify the following for the purpose of submitting it as evidence to the Military Tribunal No. 1 in Nurnberg:

"1. Personal Data:

"I have no knowledge of the reasons for and the contents of the indictment against Professor Karl Gobhardt, M.D.

"I do not know Professor Gobhardt personally; we have only corresponded with each other because of scientific activities. Personally I have never heard anything unfavorable about him, and on account of his scientific work and activities I imagined him to be extremely initiative, serious of strong character, and also decent; that for the way in which he respected and acknowledged the work of other authors suggests an honest disposition.

"I would not have believed anything wrong of Professor Gobhardt. Although, of course, restorative-orthopedy and subsequent treatment need strong will-power on the part of the physician, to overcome weak-willed and probably work-shy patients. In this therapy a certain animosity often remains with the person forcefully handled and frequently, even if one tries to avoid causing pain, these therapeutic measures are misunderstood as violence.

"2. Relevant Facts:

"My attention was first drawn to Professor Gebhardt through his collaboration in the text-book 'Complete Restorative Surgery' by Professor Erich Lexer.

"Gebhardt composed a chapter on 'The Subsequent Treatment of Motoric Disturbances after Injuries and Operations.' I mention further the following works:

"Ski Injuries. (Munich, Medical Weekly 1929)

"Injuries to, and After Effects on, the Motoric System through Skiing. (Munich, Medical Weekly 1929)

"Clinical and X-ray Observations and Joint Damages. (German Surgical Journal 1923)

"Paraarticular Bleeding By Hemorrhage into Joint Capsules. (Munich Medical Weekly 1931)

"Surgical Gymnastics. (Barth Publishing Company, Leipzig 1931)

"Ligament Injury of the Knee Joint. (Barth Publishing Company 1933)

"Physiotherapy. (Fischer Publishing Company, Jena 1934)

"Natural Adjustment and Restorative Surgery. (German Association for Surgery 1936)

"Concave Reconstruction Surgery. (German Association for Surgery 1936)

"Treatment of Tear of the Achilles tendon. (Clinical Surgery Archives 189.)

"Restorative Surgery for the Achilles tendon. Clinical Surgery Archives 1937)

"Regeneration, Its Application in Surgery. (Central Surgical Journal 1939)

"Treatment of Bone and Joint Tuberculosis based on the Hohenlychen Experiments 1933-1938. (Barth Publishing Company, 1939)

"Later works are not known to me.

"I reported on the 'Remedial Exercises' for the Swiss Medical Weekly, and sent him a copy. He thanked me and so we came to the mutual exchange of our scientific works, because we had the same aim.

"From his works it can be seen that the aim of his endeavors was to help the physically defective, to rehabilitate them into the economic process and to make them again normal, useful members of the community. We discovered each other in the course of these endeavors. Later on he ordered 50 copies of my work on prostheses 'The Amputation of the Upper Extremities' from the Benno Schwabe Publishing Company of Basle, because a new work of this kind on arm prosthesis was not available in Germany. He wanted them to give to the guest at Hohenlychen. This pamphlet defines the common aim, the rehabilitation of the injured and mutilated for work."

"Signed: Professor ISELIN"

The certification has the following wording: "I certify that this is a true and correct copy of the original document. Basle. 13 January 1947. Office of Basle, town and signature."

As second affidavit, I am submitting a statement made by Professor Dr. Buerkle De La Camp, who comes from Bochum, which can be found on page 55 of my current book. This affidavit will become Genhardt Exhibit No. 2. Professor of these proceedings, is the leading physician of the Surgical Department of the Hospital Bergmannsheil at Bochum. He is one of the leading German surgeons who, during the war, was a consulting surgeon with the Luftwaffe. I quote:

"Bochum, 10 January 1947.

"Affidavit

"I declare under oath as follows, and I agree to having this declaration submitted to the American Military Tribunal at Nurnberg. I know that a false affidavit given to a court will render me liable to punishment.

"Re: Person: Professor Heinrich Buerkle de la Camp, M.D. born 3 June 1893 at Bonndorf (Baden), married, Chief Physician of the Surgical Department of the hospital Bergmannsheil at Bochum.

" : Subject: The questions put to me by Defense Counsel Dr. Seidl, I answer as follows:

"1. I have known Professor Karl Gebhardt, M.D., since 1928. At the time, Gebhardt was an assistant physician with Geheimrat Sauerbruch at the Surgical Clinic of the University of Munich. On 1 October 1928, the management of this hospital was taken over by Geheimrat Lexer, under whom I was chief physician. At that time Gebhardt was chief physician in the physical Education Department of the Surgical Clinic of the University, and an instructor in physiotherapy. Geheimrat Lexer attached special importance to the follow-up treatment of injuries of the limbs, and of operations of restorative surgery taught, practiced, and expanded by Gebhardt. This is evidence from the fact alone that Geheimrat Lexer had Gebhardt draw up a special concluding chapter on 'Follow-up Treatment' to his great important work 'The Entire Restorative Surgery', written by Lexer alone.

"Gebhardt proved to be so good an assistant physician of the surgical clinic and chief physician of the Department for Follow-up Treatment, that Geheimrat Lexer, who was otherwise very particular, offered him to habilitate. This habilitation took place at the medical faculty in Munich in 1932. Gebhardt was very well liked as instructor physician, and co-assistant at the clinic.

"Gebhardt established a training camp for apprentices at Hohenaschau. There he assembled, during the vacations, many work, recuperating, and convalescent apprentices from various enterprises. They remained there for many weeks, in order to strengthen them under medical supervision, and with the aid of physical education instructors and to restore their fitness for professional and physical work. This was a highly meritorious action of great social significance. This was emphasized by everybody, again and again, when the training camp for apprentices was repeated. Whoever expected this training camp was full of praise for this unique organization, which obliterates social inequalities and the very life and soul of which was Gebhardt. Later, Gebhardt made use of the knowledge and experience he had gained at this training camp, at the mental institution Hohenlychen.

"2. I am able to confirm that at the conference of consulting physicians at Hohenlychen, in 1944, experiments on human beings were not mentioned, at any rate not in the surgery lectures. I further confirm that medical officers of the SS did not play a prominent part during this conference in any respect. I did not notice that Grewitz, who generally was not mentioned very favorably, was emphasized in any way. Himmler was not present for I would have noticed that, since I have never seen Himmler at all.

"The sanatoriums at Hohenlychen had a good reputation all over. Hohenlychen was especially important in sport circles. The sanatoriums, at Hohenlychen had a good reputation all over. Hohenlychen was especially important in sport circles. The sanatoriums, however, also played a leading role in the treatment of bone tuberculosis and operations of restorative surgery. Special attention was paid to the treatment of the after effects of infantile paralysis. In this field, Gebhardt carried out many beneficial operations. I know this from inspections of the sanatoriums at Hohenlychen, as well as from Gebhardt's lectures and lectures by his pupils and from scientific publications.

"3. I remember very clearly, and confirm, that Gebhardt painted a rather gloomy picture of the political and military development of the war in a discussion with Professor Wachsmuth and me. These remarks were made subsequent to a discussion which Professor Wachsmuth and I had as main lecturers of the conference, about the limitations of our lectures. On this occasion Gebhardt stated that the enemy would invade Germany from the East and from the West, and that one had to reckon with a complete destruction of German cities, and with a total annihilation of the German Wehrmacht, if it were not possible to become master of the situation at the last moment. At the time, I was quite upset to hear that such a catastrophe was expected in the highest circles of the SS.

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Gebhardt also told us on this occasion that we should impress upon the competent authorities that they do not assign surgeons either from the Army or from the Luftwaffe to the SS, since membership in the SS would mean great personal danger for these surgeons, due to the threatening circumstances.

"signed - Buorklo De la Camp, M.D."

The certification reads as follows: "The signature of Professor Dr. Buorklo De la Camp, presiding in Bochum, is certified herewith. Bochum, 3 February 1947, Notary RAUCH."

As the third document I am submitting an affidavit by Generalarzt Dr. Rudolf von Heuss, retired from Heeresdienst, page 59, of the document book. This will become Gebhardt Exhibit No. 3. Generalarzt von Heuss is 72 years of age. He was medical officer in the old Bavarian Army, and has known Gebhardt ever since the year 1920. He knew him at the time when Gebhardt was only 23 years of age. I quote:

A f f i d a v i t

I, Generalarzt (retired) Dr. Rudolf von HEUSS, residing in Munich, Kaiserplatz 11, have been informed that I make myself liable for punishment, if I give a false affidavit, I declare under oath that my statement is true and has been made in order to be submitted as evidence to Military Tribunal No. I in the Palace of Justice in Nuremberg, Germany:

It shall be demonstrated in the following

1. when and under what circumstances I made the acquaintance of Professor Dr. Karl GEBHARDT,
2. how or under which scientific and social points of view our collaboration took place,
3. what were the results of this collaboration
4. what impression I gathered of the character of Professor Dr. GEBHARDT in the course of this collaboration which lasted for years.

Personal data: I am almost 72 years of age. I was an active army physician and retired in 1926. Since 1906 I have been working as a specialist for diseases of the eye in Munich, and I am still practicing today with the consent of the Military Government.

During the twenties I was for many years chairman of the Munich Catholic parents Association; chairman of the League for Mind (Civilians); responsible head of the Reich League of Large Families in Bavaria for many years; until 1936 first chairman of the Munich Physicians' Association. I was removed from the first

office in 1933, because I was not a member of the Party. I was removed from the latter office in 1936, because I was still active in the Catholic Parents Association. In my capacity as 2nd chairman of the Catholic College Graduates I had to undergo a house search by the Gestapo.

Relevant Facts:

I made the acquaintance of GEBHART, then assistant of the Surgical Clinic (Director Geheimrat Dr. SAUERBRUCH) in 1920, that is 26 years ago, at a meeting of the Young Bavaria Association. Young Bavaria originated from the former Bavarian Defense Association. This was founded in 1910, on the lines of the Boy Scouts Association created by the English General BADEN-POWELL. Aims of the association: the education of youth to physical, mental and moral fitness. Health aim: medical examination and current control of the boys; treatment of defects; separate approach to boys still in need of care or liable to relapse. That is, the care of youth from the athletic, scientific and social aspect.

These long-term objectives, however, assumed a most serious actual importance on account of the consequences of Germany's defeat in World War I. For these times demanded the creation of a youth capable of the highest possible labor output. and it was the task of this meeting of Young Bavaria in the year 1920, to take immediate measures, to educate its members for this purpose in the shortest possible time.

The joint work between Dr. G. M. A and myself originated on this basis.

The work was divided into three main groups over a period of 12 years:

1. The testing of new methods in out-patient treatment, thus bringing about an acceleration of the cure or maintaining the patients fitness for work. These tests chiefly concerned certain kinds of bone fractures and hemorrhages into joints caused by accidents

in sport or at work. The results are set down by GERHARDT, amongst others, in the works: "Pararticular Bleeding by Hemorrhage into Joint Capsules; Its Treatment with Limited Fixation", and "Injuries to, and after effects on, the Motoric System from Skiing".

2. Parallel with these aims, GERHARDT developed new methods for the post-treatment of accidents and sport injuries in his capacity as chief physician of the sport section and the post-treatment ward, as well as on the basis of his experiences in the Hohenaschau training camps. The results are summarized in "Complete Restorative Surgery" by Gehardrat LEXER. They appeared as an introduction to "Surgical gymnastics" in 1931.
3. The Training Camp. While the results of 1 and 2 tried to remove by modern methods the consequences of injuries which had already occurred, GERHARDT, in founding the training camp, attempted to realize at least the simple social demand, if only in a small way: to avert possible injuries to health prophylactically by timely medical examination; to treat persons menaced in this way methodically for several weeks in his training camps; to increase their capacity for work and thereby their resistance; after the period in the camp, to preserve the results achieved thereby by continuous medical control or to prevent relapses by timely intervention. That is: precaution-care, current-care and after-care! Average stay in the camp 4 weeks! Persons assisted: working juveniles, that is juveniles still healthy, but in need of care; permanently injured people; people with only one arm or one leg, blind people and psychotics. Number: 100 to 120. Camp Staff: chief physician (Dr. GERHARDT), specialists, sports instructors; especially trained masseurs and female gymnastic experts.
Results, constantly the same: 1. Striking increase of efficiency, 2. Surprising adaptation of the functionally handicapped

and increase of their efficiency, 3. General increase of self-confidence, 4. intensified conception of comradeship and increase of cheerfulness.

As supervisor (Obmann) of 7 training camps I was charged with the liaison between the highest authorities, especially between the Ministry for Church and Education matters, the highest railroad authorities who were especially interested, the school authorities, the employers and the families of the persons who were to be assisted on the one side, and the surgical clinic and GEBHARDT'S entire working staff on the other. Furthermore, the annual guaranteeing of the financial means needed by the camp. Participation in the camp was free for all persons receiving assistance. The journey to and from the camp, lodging, and food, and to some extent, clothing were paid for from the available funds. The entire camp staff worked on an honorary basis. Any kind of material or financial profit was completely impossible.

A person who had once been to a training camp remained under medical control for the duration of his subsequent working years. Under these directives, the training camp in Hohenaschau kept steadily extending for 7 years (from 1925 to 1932). I was its supervisor (Obmann) the whole time and from GEBHARDT'S most intimate working sphere I was able to participate in the whole development and extension of this organization which served social-medicine in the truest sense of the word, I was also able to observe its valuable influence in the most varied directions.

Trade Union organizations were the first to follow this example and to establish similar training camps. Combined medical courses served to train such like colleagues and to further the camp idea in medical circles.

In this way the Gebhardt training Camp became a real synthesis and complete whole in which scientific discovery modern intensified

methods of treatment combined prophylactically to protect working youth under industrial and medical control from serious health injuries; to increase by current welfare their working capacity and their resistance to illness; and by after-care, through constant medical control and, or change of profession or temporary leave, to protect them from relapses and new injuries.

Therefore, one may well assert: that the energetic, tenacious determination of a young doctor, ready to make unlimited sacrifices, combined with the constant and interested participation of his two seniors, Geheimrat SAUERBRUCH and Geheimrat Laxner transformed into clear, practical reality of Social medicine, an ideal which had previously only been the subject of highly problematic theoretical discussions. A reality of far reaching

importance.

Increasing participation and visits to the camp by ministries, universities, senior school authorities, representatives of important health insurance companies, and of workers' organizations were eloquent testimony of the fact that the synthesis of the training camp was opening a new door in the social-medical sphere and also in the welfare of the entire nation.

The occupants of the training camp had so far been drawn exclusively from working youth circles. It was obvious, after the experiences gained, that they should also be extended to adult circles. Naturally, the question of prophylaxis had to be set aside in favor of current care in the form of treatment, especially after-treatment of previously incurred injuries. There were mainly two groups: sports and industrial accidents. In addition, two forms of disease demanded essential therapeutic care; spinal infantile paralysis with its tragic consequences, and bone and joint tuberculosis.

The considerable expansion of the sphere of duties demanded two things:
1. The promotion of GEBHARDT and his small circle of collaborators to an independent, leading position. 2. An establishment to meet the requirements of this work, with suitable grounds capable of extension.

Both demands were fulfilled by the assignment of GEBHARDT to the staff of the Reich Sports League and his appointment as chief of the Medical Institute of the National Academy for Gymnastics and his simultaneous appointment as chief physician of Hohenlychen sanatorium in the Uckermark. This was in 1933 and it brought to an end our mutual connections as regards work.

But on the occasion of two visits to Hohenlychen in later years, I saw that GEBHARDT had tackled his increased sphere of duties with the same energy, and was getting good results. I might only mention: the new and successful methods of treating spinal infantile paralysis; a paper written by GEBHARDT's pupil Dr. Biss. Prevention of Sports Injuries to the Motorist System, and above all the knowledge gained from 1933 to 1938 and set out in the paper, "Treatment of Bone and Joint Tuberculosis" may best illustrate, under GEBHARDT's new management Hohenlychen tried progressively to enlarge the extensive ground work achieved during the Munich period.

I met GEBHARDT for the last time in 1936 again in connection with mutual work, when he was chief of the accident hospital at the Olympic Games in Berlin. I was in charge of the ophthalmic ward of the hospital and had ample opportunity of observing how sportsmen and physicians from all parts of the world, the former partly as patients, tried out with great interest GEBHARDT's methods on themselves or had these explained to them in well-defined outline. Many of these international guests were transferred to Hohenlychen as in-patients, in order to undergo systematic treatment on the spot.

And so Hohenlychen became a social platform not only in respect of therapeutics, but also in the sense of friendly international relations.

This is a short summary in answer to the four questions asked at the beginning: When and under what circumstances I made the acquaintance of Dr. GEBHARDT, what form this collaboration took; the results of this work; what impressions I gained of Dr. GEBHARDT during this collaboration.

The political side may be missing in this picture. The explanation for it is simple: the years of our collaboration were entirely free from politics. Not a single word was spoken about politics. Medical aid knows no politics. The noblest policy of the real physician will always be, readiness to help everybody to the best of his ability. Accordingly, Professor GEBHARDT's care was for all who were in need of it. Strict neutrality with regard to politics was, therefore, a matter of course. In addition, the numerous duties and the abundance of the work, prohibited any deviation which might have caused the slightest injury to the realization of the aims, and which might have disturbed the inner unity of GEBHARDT's working community. This uniform and completely non-political line was adhered to until the last moment, that is until GEBHARDT left for Hohenlychen in 1933. It was also not abandoned in the rare meetings during the years which followed."

Munich 30 January, 1947.

Dr. Rudolf v. HUESS
Generalarzt (Retired)

At the bottom is the following text: "I hereby certify the correctness of the signature of Dr. von Heuss, whom I know personally in Munich."

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Munich, 30 January, 1947. Witness: Heinrich Heppner.

I submit this as Exhibit Gebhardt No. 3.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: I shall now read into the record the order of the Tribunal in connection with the absence of the defendant Oberhauser.

UNITED STATES OF AMERICA vs KARL BRANDT, et al, Order Case No. 1.

There having been filed in the Office of the Secretary General, directed to Military Tribunal I, dated February 25, 1947, a written certificate by Charles J. Roske, Medical Corps, United States Army, Prison Surgeon at Nurnberg, Germany, describing the physical condition of Herta Oberhauser, a defendant now on trial in the above entitled cause; and, Captain Roske, having stated in the certificate that the defendant Oberhauser is laboring under certain described serious physical disabilities, and is in need of an operation to relieve her.

And, Doctor Alfred Seidl, representing Herta Oberhauser, as Counsel before Military Tribunal I, on the trial of the above entitled cause having, February 28, 1947, filed in the Office of the Secretary General, for the attention of Military Tribunal I, a written statement in the German language, signed by him personally, stating defendant Oberhauser's serious physical condition, and requesting that defendant Oberhauser be immediately treated in the American Army hospital at Nurnberg; and, that the defendant Oberhauser's evidence may be presented to the Tribunal after her release from the hospital, which may be expected within two or three weeks.

And, defendant Oberhauser, herself, having filed in the Office of the Secretary General, March 3, a signed statement in the German language and in the English language, requesting that she be transferred to a hospital for an operation, stating her reasons for desiring that the operation be performed.

And, the Tribunal having been furnished with the above described documents, together with the English translations of the documents written in the German language, the original documents hereto attached marked Exhibits A, B, and C, respectively.

And, it appearing to the Tribunal, expressed a finding, from said medical certificate and other documents filed with the Tribunal, concerning the physical condition of defendant Oberhauser; and from the document hereto and above referred to, that the defendant Oberhauser is in a serious physical

condition and in need of medical and surgical attention.

and, that her physical condition has been and is now such that she cannot adequately present her defense to the Tribunal and, if an operation is performed on her, it is to be expected that she will be able to attend the trial prior to its close and present her defense.

and, it appearing to the Tribunal, and the Tribunal finding that the interest of defendant Herta Oberhauser will not be prejudiced, and on the contrary, will be best served by granting her request, and that of her Counsel for immediate hospitalization of said defendant.

Now, therefore, it is ordered that the defendant Herta Oberhauser be, and she is hereby excused from attendance at the trial in the above entitled cause, and, until her physician reports that she is able again to be in attendance at the trial, and, that the surgeon in charge of her case shall proceed in the exercise of this judgment and discretion for the best interest of the defendant Oberhauser.

The Counsel may proceed.

Dr. Seidl: May it please the Tribunal, I now turn to the examination of Dr. Gebhardt, as a witness. And, I request that the witness be called to the witness stand.

THE PRESIDENT: The defendant Gebhardt will take the witness stand.

BY JUDGE SEERING:

Q. Will you repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEERING: You may sit down.

DIRECT EXAMINATION

BY DR. SEIDL:

Q. As Exhibit 25, the Prosecution has presented a document which was sworn to by you. The subject of this affidavit is your history and the position which you occupied within the SS. In addition to this affidavit, I now ask you to please give us a short description of your life history; and please tell the Tribunal what caused you to take up the study of medicine?

A. In order to give an exact answer to the first question, may I use the

word "addition", and to take that word from the question of my defense counsel, and I want to give and clarify the efforts and the defense in my description. Aside from the evidence which has been presented by the Prosecution details of my personal life do not seem to be very important. The most important thing in the situation, as I see it, and the most important thing, to be contained in the situation itself. I want to report about a period which was, in my life, from one war which was lost, that was the defeat in 1918, and the period to the other war, which led to the catastrophe of the present time. And, I take it upon myself to limit certain fields in my description. My medical training, and my expressly medical intentions, my life as a citizen, and all under the power of the political events; my relationship to Himmler, my military service with the Waffen SS. Then, in order to clarify the matter, I want to draw these lines of limitations without trying to make any excuses; all without over evaluating the human action, the decency, which after all, are only natural. Perhaps I can only state one thing in advance: That I came from a bourgeois family, and that in spite of the worries and hopes, I personally found a bourgeois style of living, and quite aside from any political considerations on school, it is probably characteristic for the German citizen that an exaggerated faith exists in obedience, in discipline, which comes from above to the lower levels, but which to the contrary, never relieves the top authorities from their responsibilities. To my assistants and to my collaborators, and the soldiers who were at the front under me, I would like, at this time, to say expressly that just because I have represented something else than the average bourgeois in the state, and that I was not at all in the characteristic political line, and just because before 1933 and after 1933, I had international relations to a very great extent, as was really the case with regard to any German physician, and especially because of this all my worries and decisions, and untruth and advice -- I have obtained advice, and I have seen untruth in many countries. May I, in accordance with the question of my defense counsel, give a rather uncertain answer with regard to my medical status.

First of all my life was not such that at the age of eighteen I knew exactly what decency was and that I had gone this way with the utmost feeling and conviction. Later on as a teacher I have always doubted that. The Junk people in that early period know so clearly what the worries are which confront a physician. If, in spite of this, so many physicians are successful, then this is not due to their choice of a profession, but the decisive thing is that the medical profession offers an opportunity to a man as a scientist, as an official, as a practicing physician and as a person who is earning his own living, and it offers the opportunity to give a personality more of a manifold picture and in order to go into the details of my beginning it seems more important to me that I came from a bourgeois house and that I fought in the first world war as a little soldier; that I saw the end of the war as a prisoner of war, and that suddenly I was in a mass without any leadership and without any aim or goal and I was given another political education and we obtained the newspapers from the Leftist Party, heard the reports and we heard about the things which were alleged to have happened at home, in which everything that had been regulated in an orderly manner in our previous lives, the Emperor, the King, the oath, the relationship to our superiors, was just stopped and discontinued very un-dramatically and without any resistance on the part of the bourgeois citizens. On the other hand the want was so great for everybody who returned that the choice of a profession was made according to the conditions that prevailed.

My father was a physician and I knew a little bit about the profession and I was able to assist him to some extent. I studied with him and in the Munich schools there was a great class of teachers but at that time the position of the teacher at the schools of higher learning was subjected to some extent to the pressure of political tendency, so that actually it was only thanks to my father that I learned the beginning of the medical profession.

I came to the Sauerbruchs Clinic because of my father's influence. My teacher Sauerbruch was always telling us about some political development and had a large staff of assistants around him where he exercised an

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iron discipline in accordance with his principles.

I received the general surgical training of this classical school for seven years and it will not be necessary to explain that in detail. However, I think it is more essential for me to emphasize that there was a dissatisfaction with the developments of the time and people were assured that the situation would never change in Germany unless the social need of the time was combatted.

Without any political connections I felt the call of a doctor who concerned himself with the social questions of a general nature. The most impressive things at this large clinic were that a patient was clinically cared for in the truest sense of the word, that the many institutions of welfare in that clinic with reference to the individual were intolerant according to political and confessional view point or with us in Bavaria, according to the Landsmannschaft to diminish the welfare.

Today, particularly in my despair, I think that I can well say that I in Germany was the first one to make the attempt of saying to the wealthier institutions and clinics as an institution should be cared for by the State, but for the real interest of the people that such a welfare is instituted in the sense that impressed me to help and assist all of the workers and students, everybody who was impoverished, and help them see beyond their mere treatment and bring about a healthy condition of the entire human being, that is to say, it is a declaration of war against the very individual and comfortable and ordinary activities of the physician, when their aid is dependent upon the money that they may receive from the individual.

From the last war up to this war I never earned considerable amounts of money because of my patients. I was not paid by the Party, the SS or the State, and I remained at Hohenlychen in spite of my international practice for reasons of principle. When I had to defend myself before various honorary courts, I have said that I was of the opinion that one may sell articles of luxury at more expensive prices because people can do

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without them; one can be very expensive in performing cosmetrical luxurious operations on a film star because that woman can be dispensed with.

However, as a specialist as I was one, one cannot apply that to operations which are necessary in the case of people who are impoverished and one cannot just connect it with a public enterprise.

I want to emphasize these principles initially because that explains my position and there was a great many German physicians who thought the same way as I did. We were the men who started the students and again and again had to interrupt their careers because of the necessity of having to earn money, because of war, events and other incidents. I think that I can say one thing in favor of that group. We were the most outspoken pacifists in Germany because we wanted to connect ourselves with ordinary civil life, but I think we were also the ones who were most ready to make sacrifices. At any rate we didn't embark upon a career where working hard demanded reprimands and burdens could be applied to us. During my career because of the pressure exercised on me at the Sauerbruch clinic I desisted from any political activity. I remained the friend and physician of the poor and the ones who were in need.

A (continued) I remained the friend and the physician of the poor and the ones who were in need. My camps had no very special attributes. Perhaps, I can quote from the early report which is contained in my next document. I would like to quote two or three sentences because they illustrate the tendency of our desire and I think it is my perfect right to defend myself against these slogans against the simplicity of description as if only a black and white, and I feel I have to passionately define my position in that regard and in the interest of the young.

The yearly report states by saying "To help and to be a physician must never have anything to do with money." Many of our officials did not like the sense of this sentence because it effected their personal earnings. The most important thing, it seems to me, is to emphasize the following quotation: "That I see an extreme danger in the fact that in all welfare questions laymen are concerning themselves with judgment of medical affairs and very easily when judging over-estimate external systems - cosmological and general systems, without understanding the essential point of the development of the disease and to understand things concerning fate, the fateful points of the disease." I think that I repeated the sentences which originated from 1929 up to the year 1945 and I sincerely represented it.

And from trial the year of 1931, that is the time in Munich, when as Mr. Leibbrandt stated, a group came up and only represented the negative side of the physician. My camp of the physically injured for the first time accepts insane persons and I may use this example because it is of some importance with reference to the discussion here. You know that there are countries abroad from our point of view who speak about the position of the feeble minded. Through this experiment I have proved that even in the case of juvenile feeble minded it is hard to decide what cannot be changed and is born heritage or, on the other hand, what may be the inferences of a bad education which caused him to follow the example of other feeble minded with which he came into contact. During the so-called experiments at the Munich-Augsburg Institute, and I shall later submit proof for all my statements, I included youthful persons into the

healthy sport groups, whose feeble mindedness had been finally established from a psychiatric point of view. By virtue of this living together - is my life with the healthy people - with the good example, people were educated by me - the result was that of 20 feeble minded young persons ten left the institution, were released from the institution and the other half had to return to the institution, either immediately or during the course of the time. I only want to cite this example because this is a medical educational experiment which in many cases even in the United States had been repeated and is only here to prove that we in Germany weren't people who were just cowards and stupid, but that we had concerns about people who were impoverished and who were in need and we wanted to embark on our bit together with them.

Q During the year of 1942, witness, you became lecturer of surgery at the University of Munich. How did this appointment come about and what was the subject of your habilitation thesis?

A I may give you a few dates because of the year of 1933 which was an important change and since I am being accused of being stupid, not educated, and having acted without any feeling of responsibility, and that only because of my youthful acquaintance ship with Himmler I achieved my high rank. In 1932 I was a fully pledged surgical assistant. I had professional education in pathology and surgery in 1932 and 1933 and at that time already had two special fields, one of which was the follow-up treatment through gymnastics and the disease itself by surgery. I was the first physician of the Surgical Clinic of the Sport Clinic. I had connection with all Sport Associations. I was a member of the Workers Sport Association by virtue of my camps. I was one of the first professional advisors, medical advisors of Munich, and assisted in cases of retraining, reeducation, etc. I was teacher at the school for gymnastics of patients and I think that the tendency of Germany with reference to surgical gymnastics would not quite be silent about my name and my participation. On the other hand it was never my intention to become a university professor and in the year 1932 I endeavored to go to a little hospital which was in

the scope of activity of my father, when in the year 1932 Dr. Lexer offered me a university career. During the transition period of 1932 and 1933 I already was a member of customary associations. I don't think it is necessary for me to list all these national associations because one just cannot be accepted into Germany society otherwise, just as it is true abroad, one only needs two warrantors. I was also a member of many international associations and societies which was a little more difficult and even after 1933 remained a member. In the year 1934 I held a speech in Poland about the problems of surgical tuberculosis. It was a discussion with an Italian and a Frenchman. In the year of 1935 I spoke at the Saubonne at Paris and the French Chairmanship, I was a member of the International Association of Sport Physicians and of the International Surgical Association. All that wasn't very important but at the same time I want to demonstrate these matters in order to show that before 1933, after 1933, until the very end I was a person with whom people were in communication, that I have much to thank the many people abroad for, and that on the other hand I have been a person to help quite a number of people abroad.

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Q. I think there is a slight mistake with reference to your professional education between 1923 and 1933.

A. Yes.

Q. Witness, when did you become chief physician at the institute at Hohenlychen and how did this appointment come about? Where were these institutions, what was the special purpose that you had in mind and what was the situation when you took over these institutions as chief physician?

A. The institutions at Hohenlychen were not concentration camps and have nothing to do with the concentration camp of Ravensbruck. My decent collaborators had nothing to do there except under some order which didn't affect the camp Hohenlychen. Hohenlychen had before been under the leadership of Geheimrat Bier who is the third one of the three classical surgeons of Germany - Bier, Sauerbruch and Lexer. This had been a purely tuberculosis institution. It was a private welfare institution and in 1933, since all the entire tuberculosis movement had undergone a change, it had become no longer necessary because the transportation of tuberculosis diseased to the sea and mountains was preferred. When the Third Reich was created and newly founded, the Reich Sport Leadership originated. That is to say, it was intended to comprise the entire sport activities which, on one side, led to many individual limitations but which, on the other hand, over-emphasized the importance of the Reich sport associations - the sport associations of the people who were well off or of the so-called "semi-amateur" who was paid by industry. On the other hand, the Reich sport leaders Von Tschammer and Gison attempted to further support the sport movement of the youth, the sport association of the worker. My dear friend, Hans Von Tschammer, was an old man who had been wounded during the war and had special interest .../...

to care for the man who had been wounded. On the basis of my work and my experiments in Munich I, who was not a member of the Party - and that is something I want to mention, by the way - was appointed as consulting physician of the German sport and held this leading position from the year 1933 to the end and throughout the entire war, and that about this time I had no connections with Himmler. That was because of the understanding by the Chief of the Wehrmacht Medical Service who realized the necessity of caring for war wounded also by way of sport. That is to say, if they were to be taken out of the Army and to be included into sport associations - in very many cases Hohenlychen. In order to be able to carry out my work, I needed support from the Reich sport leader. Hohenlychen, at that time, had great difficulties and I had taken it over as a private chief of a private clinic. The insulting words "the Nazi fortress" certainly is not true of the initial period of time. Hohenlychen was the most tolerant institution of Germany, included a thousand beds, and was organized only to concern itself with the three concepts of disease. That is in contrast to the typical German hospital which concerned itself with general care and of which there were a number already under the leadership of experienced physicians. I tried to limit my institution to three concepts of disease. The first: sport accident, and it was not my intention to help only people who had money and who lead a comfortable professional life and to alleviate only their lives because of our treatment, but, to the contrary, we were mainly concerned with those pure sport people where had work was connected with the joy of sport but whose external conditions of life were so unfavorable that they exhausted themselves because of hunger and because of need. There by a paradox situation came about; namely, that the least incident, the least small accident would lead to severe physical injury in the case of those people who lived under such bad conditions. More important than any other results during treatment seems to me to be one thing and that is something that

couldn't just be left out even after my death, and that is to say that I created the German sport aid. I originated that suggestion between the bureaucratic social insurance of Germany and the private insurance of the individual. I tried to institute an institution of insurance which, while led by the state, could still be generally applied to everybody and that in order to enable any man who still had joy in sport to care for his injury without having to undergo any sacrifices. Since another example was mentioned before, I may touch upon that too. Every entrance fee that was paid for any sport event in Germany was fixed by 10 or 20 pfennigs and these were placed at the disposal of the Reich sport leader for the purpose of welfare. I want to emphasize that because this shows the contrast of our thinking and our opposition to any old customary state insurance system. The individual, after being injured or after having an accident, received full medical care. However, we didn't want any continual payment of sick money, so to speak. We didn't want any pension and we thereby avoided all that of which Germany is accused by foreign countries - and rightly, in reference to their insurance system; namely, that it paralyzes the working capacity of the individual by relying upon some compensation by the state which is far from sufficient. But on the other hand, we created working places for our people who were severely injured. From Hohenhausen, up to the year of 1937, I had 4800 injured workers and sportsmen under my continual control. We created work-in-pairs from them. That is to say, whenever anyone lost his arm we didn't just take him out of his profession as a locksmith or whatever it may have been in order to just let him stand around in some pseudo-activity, but I told him to go back to his profession, I left him there in order that his experience would be maintained. But to assist with him I had an apprentice who would support his old master who had lost his arm and who would be an additional aid. All these things have shown their value and they are being re-imposed today under small changes of the names.

THE PRESIDENT: The Tribunal will now be in recess until 1.30.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 4 March 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

THE PRESIDENT: Counsel may proceed.

KARL GEBHARDT - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL:

Q. Witness, I was told that some of what you have said did not come through. I therefore ask you to make shorter sentences and in order to clarify some of the misunderstandings I ask you once more: When you were appointed as Chief Physician in 1935 to Hohenlychen, did you have any relationship to Himmler or did he exercise any influence on that appointment?

A. I think I have said before that I was assigned to this position and that there was no political background connected with it whatsoever. I came over through purely academic channels. I was the consulting physician with the Reich Sport Leadership which was a central medical position. Secondly, I was professor for the Reich Academy for Sport Activities and I was there the leader of the medical department. Thirdly, I was the Chief Physician of the Institute at Hohenlychen. At that time I had no connections at all to the SS or Himmler.

Q. The word "Institute" Hohenlychen was sometimes connected with the word "camp". Was the clinic organized in the form of a camp or how was it really organized?

A. It was a modernly built large clinic with over a thousand beds, 16 to 20 buildings. There were departments for children, for tuberculosis, for various lung diseases. The buildings were separated according to the various fields.



Q. This morning you spoke about the thought which you had when, in 1933, you took over the position as Chief Physician. Did you succeed in realizing these thoughts during the course of the years?

A. I may point out very shortly that 3 men decisively influenced this work and represented these thoughts together with me. These were my immediate superiors and my friends. One of them was a sport leader who represented the entire sector of German sport. Then there was Dr. Teidt, who represented the entire labor system, who worked on the Autobahn, and who was greatly concerned with those who were injured through work; I think in the year 1937 I received a position with Dr. Teidt in a similar capacity as the one which I held in sport activities, that is, consultant. My scientific and spiritual leader was Dr. Guentz of the Reich Ministry of Education, who not only was an old sportsman and a German champion but also was an anthropologist and had the entire scientific supervision over sport activities as well as the Institute at Hohenlychen.

At the same time I may mention that Hohenlychen was a private institution and it was intended for welfare. Before it had been purely at the disposal of tuberculosis patients. From 1933 this institution was newly founded and extended. I have already mentioned the 3 decisive men; they were Tschammer, Teidt, and Kruemmel. In addition, Generaloberstabsarzt Waldmann became a member of the so-called Curatorium. He knew my family and I knew him from Munich; he saw to it that any sport-injured members of the Wehrmacht who expressed the wish to go to Hohenlychen could be accepted there without any difficulties.

Hohenlychen was under the supervision of the state as a private institution, as was the case in every German welfare

institution. The state supervision was at one time exercised by Dr. Genti as Ministerialrat in the Prussian Ministry and as I said before, supervision was exercised by the Reich Ministry of Education, by Director Dr. Kruehmel. The development of Hehenlychen itself was concerned.

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with sport, people who were injured by work or injured through any other means. In 1937 and 1938 we concerned ourselves only with the surgical treatment of children with infantile paralysis. It was a matter of course that we extended ourselves and received support. We did not have the same number of patients as other hospitals, that is, patients who went to the closest physician when they experienced any injury. My experience was always devoted to the final stages of a disease, that is to say, to help those who were most severely injured. After these people who were severely injured from sport, after they were rehabilitated by us they again, for instance, played on their international teams; we were also concerned with wounds from the last war which had not yet healed and in addition we were concerned with infantile paralysis, something which were taken from their entire surroundings and the concern of their parents. It was quite natural that we received a large number of patients who had a certain special position in Germany and this was something which was supported by German physicians.

We had two opportunities for help in that connection. There was an Olympiade in Germany, of which I was leading physician, for the Olympic Games. I had 20 assistants with me in that capacity and during peacetime about ten guest assistants coming from abroad. It had become customary to distribute our educational films and many German sportsmen and even sportsmen who were injured abroad came to us.

Another momentum may perhaps have been of more decisive importance, namely that my surgical experiments with infantile paralysis had to have a certain prerequisite. Choosing from about 800 infantile paralysis cases, I selected those where the patient was perfectly healthy with the exception of one limb or one leg. Extending an idea which came from another side we tried to draw the strength of the healthy side of the patient towards that sick leg, in other words, to see whether with the right shoulder and the right limbs, the left leg could be moved.

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This extension of the muscles comparable to something that follows the principle of the branch of a tree which extends towards each side. This principle was only possible if the patient stayed with us for a long period of time and could survive the transition period without any burden or particular effort.

Hohenlychen is situated near lake, and I had boats, which enabled the children afflicted with infantile paralysis to stay on the water for an entire day. During the winter we introduced salt into the water and therefore improved our bathing facilities. The real solution, however, was something that we copied from 'Warm Springs' from where we thought the therapy was on how infantile paralysis was to be cured and treated.

Q. Witness, have you finished that? Now, will you please shortly describe to the Tribunal the development of your clinics during the War?

A. During the War Hohenlychen was divided into three departments. One was the old civilian department, where there were children and women, which included about 300 beds. They added another 400 beds for the Wehrmacht and 300 beds for the Army --- that is 300 beds for the SS.

Excuse me. I was the Chief of all of these departments, but because of being committed to the front I mostly had a deputy there, and from the year 1943 on the Department of the SS and the Wehrmacht were merged, and a number of my people and assistants who were with the Army were returned, so that Hohenlychen was again being loaded as was the case in peace time. We had a very certain and out-spoken game plan. We found great understanding for that from all sides.

It may be characteristic to cite an experience from my time as a young physician when I talked about the differences between medical education and the social need of our surroundings. One bitter experience had become clear to me, -- in the case of all extreme political disputes the most incurable are the people who had suffered heavy injury and who had lost their compensation since the last War, and they are the ones which it is the most difficult to convince. Our own political parties in Germany that time, and probably

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now, to the crippled poor man became the problem who could not manage without the help of the State.

I made it clear that Hohenlychen after this War should become the central station for all injured people, and above all should accept these injured people, where not the amputation as such is put into the foreground but the very peculiar psychological distortion which is so often the case in the crippled patient. We had gardens, bathing facilities, schools. We would accept remnants of the activities, and for that purpose I trained a staff of physicians and sport teachers ever since 1943, and in the year 1943 I gave Germany the outlines for the purpose of caring for the injured, and those that were injured by sport; and it is for this hyper-imposed thought that Hohenlychen served through the entire war.

Q. I now come back to your further scientific career; when did you become the extraordinary professor for surgery?

A. As a lecturer of surgery I came to Berlin from Munich in 1935. I became extraordinary, and in 1937 I became ordinary professor. At that time we had a very loose connection with the faculty of the University. My main emphasis was to the Reich Academy of Sport.

Q. You have heard the testimony of the witness, Professor Dr. Leibbrandt, with reference to the Oath of Hippocrates. What is your position now and what was it before, with regard to the contents of that oath?

A. May I be permitted, even as a defendant, to express my surprise that in the case of the testimony of Dr. Leibbrandt, and in the case of our examination, one very comfortable sentence is used, "Don't you know the Oath of Hippocrates?" These are very clear moral principles against which no doctor can act. Dr. Leibbrandt called it the longest established Code of Honor of physicians, and I had the impression that one was just using this sentence in a legal manner.

I can refer to a paper by me from the year of 1940, and I know that it is not my job to give my opinion, but my concerns and the feeling of insecurity which prevailed with every honest decent surgeon when he wanted to define his

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action towards one moral principle, that is something I do want to describe . The so-called Oath of Hypocrates, which in reality is the old Asclepiate Oath, and certainly has nothing to do with the person of Hypocrates, and is really much older, is now being presented in a manner as if there is a medical ethics which is unchangeable. I believe, using all reticence, I can well say that every ethic is part of a philosophical principle. Each philosophical principle is depending upon its time, upon the situation, and upon the scale of values into which you include it. At that time I wrote, "The Asclepiate Oath in its introductory sentence must be understood in a way that the oath with the God means a determination, namely the question arises what is the supreme principle, of the physician from which he can derive the moral activity." Certainly not Apollo is being spoken to in that connection. There are a number of physicians where the metaphysical super-imposed concept of the supreme order is outside any natural events. That has much to do with the physicians of the renaissance, and in modern times has nothing at all to do with them. This physician, in most cases, is an atheist, an unbeliever, or perhaps better expressed to take the man, the individual himself as a measure of all things. He doesn't speak about what is fate and what is changeable. This work for the individual as the only thing is now being passed to us as the best. I committed myself to point out what the most important part of our discussions in previous time was. It is the fourth sentence of the Oath of Hypocrates, "I want to help without any consideration for reward." I always have had this concern about this exaggerated activity of the physician. One concern is that it is only concentrated, and is depending on the human being and the nature, just considering the natural development without considering any supreme powers; and secondly, I have known so many individual physicians, who certainly were ready to help, but as a specialist always asked "What can the man pay?"

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You can apply yet another measure of medical activity. You can say that we don't primarily think of the individual, but we think in the entirety, help of the poor and of the number of poor. I would describe that as the social altruism which says that we can only help to a limited extent, if as physicians our time is limited, if it means our welfare, the means of giving are limited, then we don't have the right and we must not have the interest to primarily help the person who can surround himself with a number of specialists because he can pay for them. We must found collective communities of need and I was always answered, "Well, we have these things, we have welfare institutions, etc." We know that they are very doubtful limits to these institutions, but it is important to point out that whenever the aid of a physician changes to a collective community of need, that naturally the obligation of secrecy of a physician must of necessity stop. It is much more decisive than the indications of Hitler that some few people, who were in leading positions, had to break this duty of secrecy.

In the time of Bismarck social insurance was introduced, pensions were introduced, trade unions were introduced and there was hardly any or a very limited secrecy in the case of the physicians. That led to a situation that the poor man, who was a member of the insurance company, could no longer choose the physician and that between the physician and the patient there was a bureaucratic state order, some bureaucratic welfare institutions and that a number of secretaries and clerks were getting acquainted with the need, the suffering and the concerns of the patient.

And now as a third consideration, the medical situation has changed completely. Not because of the physician, but because he is ordered to do it whenever a totalitarian state wants to take over the medical welfare institutions. When I heard about the first totalitarian state experiments on human welfare, I found that this was the German state. I said that this was a mass experiment on a state level and that the sentence that must cause most concern is the sentence, "What is necessary must be right". We don't know who defines what is necessary, but it is important to establish that the

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physician who really works in the totalitarian state and is convinced of his work not only stands by his own individual patient, not only has a possibility to work in this community of need, which he himself should choose, but over him are concepts like necessity of the state, statistics of the state, the needs of the state, if the state, in its medical orders, decides what question it wants to solve. You know that these state orders were always mentioned in Russia during the very first five year plan and that applied to the medical field too. At that time I wrote that it was an extraordinary important decision to decide whether a physician stands alone in the liberal country and is alone in contact with any patient concerned. All of us will envy the physician like that, but one cannot tell me that this is ethically the best physician for the ethical and clinical welfare.

I, naturally, am today very grateful and have great respect for many physicians who live according to this individual Democratic life, but I know quite a number of business men who also belong to that life too. I was in the position of the so-called social altruism, I also had the concept that the state should steer, the state should govern, the state should interfere in private welfare, which would comprise large communities of need and most emphasis had to be given to the poor and to the youth.

I saw many drafts of the Beveridge plan and I think that this is the ideal solution. I was always an opponent of the German social insurance. That was before 1933 and after 1933 for this is too bureaucratic and it forces the physician to become an official. During the war, development of these totalitarian state principles were increasingly intensified. Perhaps I should place Hippocrates where he really belonged. In history Hippocrates comes from the old ecclesiastic school, he is a priest physician. From the very early days he personally believed in a heavenly connection. In the case of mentally ill patients, he assumed that it was the Gods who had distorted their brain. He opened the brain, he finds naturally in a few cases that there is some swelling and in a few cases he can cure. I am sure that he must have killed a number of people where there was infirmity, because he

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believed in the fact that it was something brought about by God. He is inventor of ideaplastic, that is to say he believed that when he could create on his island a big maternity ward and then show these people classical pictures of beauty, pictures of external beauty, then these women if only concerned with the classical beauty in their thoughts, would eventually also produce beautiful children. That is the point of my statement.

There is no book to which Himmler more often referred than to the book of Hippocrates. Ever since 1940 it was on his desk and this damned ideoplastic ideal which bases judgement of a human being according to external points of view, he thought had a classical basis. He produced something further. In the old publication of Hippocrates, it says that he had a friend called Dragilos, who was a great banker of Athens, who was the inventor of the first narcosis of a certain sleep by the use of a root. Himmler had used a second proof which he took from Hippocrates, he said that according to his opinion only after collaboration with a layman, the first narcosis had been invented. I want to express with that that Hippocrates bowing and respecting this big medical figure, who was depending on a fate, who was depending on a scientific research, he was depending on the political situation and surprisingly even depending on certain classical imagination, which were respected in our majority.

Without comparing myself to that, may I please define my own position in this division. The name for Bier contained the following sentence, which was written on the occasion of his seventieth birthday, "The biggest error is to believe that an individual effect or external signs are decisive for judging the value of a human being. The amount of the effort is the effective factor."

This depends on the biological and moral reserve stocks of the human being. In 1940, I tried to teach Himmler this correction of his conception of Hippocrates, but he as a layman just read from it as a layman what he considered to be useful. I think that the physician who has an inner feeling of decency is the man who most probably will always believe in God. This

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man would be the most decent doctor who would help the poor. I hope that no young physician, who grows up, will become a physician in a totalitarian system.

Q You know that in the year of 1934 the Reich Government issued a law in order to prevent sick and bad heritage. What is your attitude towards this law?

A I came into close connection with this law on the basis of my activity at Hohenlychen. On the one side I had influential foreign patients in Hohenlychen, and by accident also a Jewish group. I just mention this without quoting any names because I am of the opinion that all patients came to me moved by confidence and not in order to appear in evidence on my behalf at a later date.

On the other hand I would like to show that at that time which Hitler visited Mees who was in my institute and could make it clear, using Hohenlychen as an example, that I must either continue to lead Hohenlychen in the tolerant manner in which I did so far, or that I must close. Hitler, who at that time was still very accessible, gave me two approvals which applied to Hohenlychen for the entire period.

I had the right to accept Jews, to currently accept Jews and my operations could be continued in the case of hereditary diseases. I don't mention that because I consider it to be something of importance. I know from the Sauerbruch Clinic, Frankfurt, et cetera, that certainly Jewish patients were accepted whenever they approached the clinic. Whether they approached the clinic was a question of political difficulties which had nothing to do with the physicians.

I only mention this matter, of course, because it is being presented here as a miracle if somebody, by exception, had accepted a Jewish patient. The real difficulty was the dispute about the congenitally ill people, and here it is really a question of a limit. Dr. Brant put it very clearly that he considered it difficult to expertize this child in the case of his euthanasia. That the surgeons had children who had only one congenital injury, just one leg that was crippled or one foot that was paralysed, the sterilization laws at first in Germany in that connection were very strict. I think that we have to thank Dr. Kreuz and myself that we were able to alleviate that situation essentially.

1. I think that you described the outlines and the spirit which moved you and according to which you intended to lead Hohenlychen, and I now go over to your activity within the National Socialist Party. When did you enter the NSDAP and what was your position toward the so-called Party ideology?

A. Somewhere in May or June 1933, after my appointment, at the time when every official and professor had to be a member of the Party, I became also a member of the Party; that is, I didn't experience the fighting times of the Party and all the initial period that was connected with it because of my neutral social position, but I want to define my position very clearly in connection with this point and want to show what the thoughts were of a certain class of people at that time.

I don't want you to interpret from that that I in any way wanted to incriminate other people, but on the other hand there was not any lot of criminals there anywhere that amounted to a thousand or ten thousand men. And Germany really did not see very much about the Third Reich. Too many people had lost their lives. The conflict was too great, and it was our wish to help.

The word, non-political physician, I recognize only when it means that he is not active and is not working politically with any party. Neither I nor my assistant of mine had any political ideas. Nothing of a similar nature. On the other hand that does not mean that I was completely indifferent in my experiences in the Third Reich, or that I wanted to get an alibi for myself for any later period of time. Even today I am convinced that Germany was in its greatest catastrophe during those two wars, and that it was the duty of every decent German to concern himself actively with the concern and troubles of that time.

Now, there were a number of people, to whom I never belonged, who at the start, recognized the danger to which the Third Reich was leading because of their insight. This number, I think, was not as large as it appears to be now, and I believe that in order to be just one has to say that this was most of all the worker, the man who was on the left, and

who understood this opposition in time.

On the other hand there was a certain German spiritual elite, let us say, like Thomas Mann up to Tucholsky, who, moved by virtue of their own spiritual conviction, went away from the coercion which was exercised by the Third Reich.

I was the physician of Thomas Mann and Tucholsky and I knew all these people. They impressed me deeply as spiritual individuals, but they had no support of the German people in their need and in their own way. They had no instrument of power in order to restore order.

I don't want to say very much about the bourgeois side, but I think that as a physician with a number of thousand beds where every patient lies there with his members of his family, with his worries, with his letters, with his concerns, that I could perhaps fill in a certain gap. There was not a political philosophical minimum in the bourgeois side which acted in a convincing manner and exploited and won over the general public to his side. The German was very suspicious and almost in a dream walked into the Third Reich without completely realizing it.

On the other hand one has to say very honestly that I was not a member of the Party until May 1st, 1933 because the political pressure exercised on professors was not as great. I do not want to incriminate this level of population but I do want to say that we all hoped that a better and ordinary working program and a certain improvement would be achieved in the country. But as a member of the Third Reich, or rather, my idea was given a chance by the Third Reich. I took advantage of this chance and I recently worked for the Third Reich, and even then the need and the war and worry came, I did not see this chance as it was paid by every decent human being. I am not of the opinion that it is possible to be paid by a state and then still have an opportunity to get out.

Apart from a painter or a secluded research worker, one cannot say that we did not realize and experience the tensions of our period. On the other hand it is wrong to say that we are guilty of the level points when we tried to bring about pure art and exercise our efforts in the Third

Reich. When the Fatherland is in need there can only be three possibilities. Either you recognize in time that the leadership is wrong; in that case you have to fight it from the very first moment. You don't let yourself be paid; you don't take a chance -- you fight it. I neither realized that, and therefore didn't fight it.

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But, there is another possibility; there is the possibility that one believes that a power has come in the Government legally and will survive, even in spite of all the failings of the officers, individuals and all eventually will be steered properly when people who are in the Government who are in the country will advance their criticism, and will then steer the country to the proper goal. May I take the historical example of the French revolution; there it was also the case that the democratic idea of Franklin in France where Lafayette sprang, could only exercise its influence in France when there were people actively opposing it. I don't think that there is a third possibility, that outside any opposition or outside any cooperation, one appeared at the end of a catastrophe with an empty questionnaire without any documents, but having been a member of the party. The youth in Germany, our assistant pupils, were only obedient because we were standing in front of them as generals and professors. Now, I may say in my statement I was an outspoken civilian; that I never received any money from the State or Wehrmacht, which I think I can prove, that I did everything within my sphere of influence, acting sensibly and socially, so I do not want to get away from the responsibility which I took over as a general and as a professor. I had no position in the party, no special position; there was a possibility to dispute about this matter with higher or lower echelons. I took this opportunity that I can say whether my way was right or wrong. I sacrificed just as much as any one else with reference to family and other sacrifices, and I didn't try to get away from any danger.

Q. Since when had you known the late Reichsfuehrer-SS Himmler, and what kind of relationship did you have with him?

A. I know that Himmler's shadow oppresses everybody, and if it was not the case of Dr. Fischer, it would be very easy for me to ask the Prosecution to give their basis of the Indictment in that direction. I can tell you, perhaps, how Himmler approximately affected me, and I think it is important to state that even if there may be a danger to speak about any of my enormous

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powers and high influence; whoever, dared say that knows nothing about the Third Reich. I am completely convinced of that. Himmler was neither an important man nor was he a pathological peculiar man. Himmler was never a two faced man. Himmler was never interesting. Himmler on the other hand, if you permit me to leave out those unspeakable cruelties from the room, for just a minute, he was a man very simple, a very industrious man, who had a working program which changed as in the case of every simple man from good to bad. Himmler originates from the same city as I do, that is, from Landshut and these very notorious relationships of confidence which are being reported, only existed in so far as my father was Himmler's house physician, and Himmler on the other hand, Himmler's father was my rector at my school; that is, we spent our childhood from 1912 to 1916, together. And, if my parents house was very liberal as to the Himmler house, the Himmler house was that of a strict orthodox schoolmaster that handled their son strictly. My notorious relationship as I find does not always refer to Heinrich Himmler but to his brother who went to school with me. And, now the terrible thing is added to it, that the first name of this brother was also Gebhardt, and therefore, I was called Karl because if the teacher in school could say Gebhardt, Himmler's son and I would simultaneously answer to Gebhardt. So, from 1916 there is a certain letter from Heinrich Himmler to Karl Gebhardt which starts, "Dear Karl." Then the war came about and every decent German went to the service of his country so that my personal contact with Himmler stopped from 1917 to 1937. Naturally we met one another again in certain historical situations, and our attitude changed. I experienced the entire necessity of the first war. I was wounded and I was imprisoned. I know what it means to be a soldier in two wars. Himmler was never a soldier. He was just a soldier without going to the front, but that was all. While my father could force me into a certain bourgeois career, Himmler's father did not succeed. Perhaps one could explain it retrospectively. Himmler's father told his son that he had to go to a farm where he had to be kept extremely strictly in order, to get away from any political influence. Unfortunately

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near that farm there was a number of officers of the National Socialist Party and that is how his father's intention of necessity failed. Our student career may have been similar, I think. In 1923 there was the so-called Nazi putsch. Himmler participated actively in some political group there. I participated as a physician and took care of the wounded people and the dead people at the Feldherrnhalle belonging to both parties, that together with Geheimrat Sauerbruch. Himmler continued to serve very much in the party, and in 1925 founded his SS together with others. He turned to the circle which we both knew from school. I consciously did not become a member. I do not want to awaken the opinion here that I did not do that because of any certain political insight, but because of the concept which was valid in all schools; namely, that the older never subordinated himself to the younger. Up to the moment the war started, up to that moment, I had my independence toward Himmler. After that moment, however, I became a soldier and I was obedient without question. However, the personality of Himmler came into my different light. Himmler in 1925 founded his SS and, I believe, not because I think my own memory is important, but in order to help keep things straight with facts, I think it is necessary to say a few words about the SS here. Just because I kept away from that up to the year of 1936, the year of the Olympic games, Himmler is not original but enormously industrious, the SS in its principle, irrespective of whether the channel and personality was correct, had a call, which as an instrument of power could be used, misused either for the best or worst. This call, of course, does not originate from Himmler, but is a symptom of all foundations of orders prevailing at all times.

It shouldn't be interpreted as a blasphemy if I indicate that Himmler simply stated that in this collective mass I must reproduce once more a form of aristocracy. I am obliged to say that because only in that way can you understand that, you can either find the very best of the German generation with the SS or the very worst. It is very correct that the Prosecution points to the SS oath particularly, but they were not in a position to interpret it correctly and read it correctly if I may criticize. The oath speaks of absolute obedience. I tried to show the German Reich as we experienced it, and if there is one thing which I realized in spite of my position to the Third Reich it was that once more there was a clear conception of obedience and authority, something which, of course, was later mis-used. We had all grown up during a time when there was no oath. I can just remember, just about remember that there was a Kaiser and a King, and that was why after the collapse of 1918, they had become very ridiculous in their authority and the epaulettes of officers were torn from their shoulders and officers were not selected because of their ability but because of their political affiliations. Every little group of people had their own imagination as to how Germany was to be saved. The Oaths were impossible but they were secret and were never kept and where there was a foundation of an order which can clearly be conceived. It was grand if it was an order which is tied to absolute morality. It was danger if it is severely limited. The oath says: to be absolutely obedient, come what may, that one looks into the future and gives absolute obedience in order to finally help Germany.

It was said in 1917 we had almost won the war if we had just been a little more faithful. We have seen how no government can maintain itself because of gross deceit and black market and so on, and every conception of authority was injured, and now a new thought came about, just be obedient, don't ask, no questions, and in this generation to do everything to see to it that Germany is better off in the future.

That is something you can well believe and have faith in when you are twenty and thirty years old and if you don't try to get away from this responsibility you don't have to be condemned. Such an oath is a terrible burden because I didn't feel that and I didn't go to the SS in a dramatic way. I wanted to be understood in a way where I am just describing in what manner the generation was growing up. That is not for my own concern. I had so much to do with my scientific career in Hohenlychen that I had no relationship to the SS or any political activities.

I was sent to Hirtler in order to prepare the Olympic games and these were the circles who were reasonable. These were the bourgeois circles. They were the ones who sent me and the reason was that the German teams were not to include Jews and the appearance of foreign Jews even was not appreciated politically. The Reich Sports Leader who was absolutely fair, was against the conception with all means at his disposal. It was very difficult for him because the Chief of the German Fencing Teams was Heydrich and he naturally exercised this counter pressure against German intolerance in sport activities and I went to Hirtler because of Tschammer's wish in 1935 and convinced him how impossible it was not to be tolerant in medical and sport activities. At that time we thought that it would suffice if we could get through with our fair neutrality in this field and to oppose political grounds of a different nature.

You know that we succeeded and I can claim the credit that I was the man who could prevent this influence. Now you cannot say on the basis of that that I should have prevented everything that Hirtler did throughout my entire life, but I can well differentiate. I could limit Hirtler where it was within my sphere of power. On the other hand I couldn't gain any influence where I don't know what was going on and where I had no knowledge of the details. I then was included in a German committee for the Olympic games and an international committee for Olympic games, and as a reward and because of my connec-

tions to the Reich Sport Leader I became something like an honorary leader of the SS.

During the time and the subsequent period when Himmler visited Hohenlychen, whether during the Olympic games or after the Olympic games I don't remember, he brought some member of his family with him who was injured and I accepted her.

During my interrogation I was tortured and I was asked how can you, a man with your knowledge and your connections abroad, how could you have been in sympathy with Himmler. Himmler very modestly and quite alone came to Hohenlychen. I was the master at Hohenlychen and not Himmler. Himmler only meant as much to me as any other King or Duke I treated. I never rejected any one personally who came to me in my capacity as a physician because of any disease. I accepted his reference to our old family relationship and I started a certain relationship of confidence but with a strictly limited sphere of tasks. I didn't gain anything because of Himmler. I remained of the rank of *Brigadenführer*. These loose connections suddenly crystallized into a certain medical form when in 1936 Himmler flew to Austria. By some accident he arrived there before the troops had arrived. The political tension was great and a number of affairs had to be dealt with, among them an ill *Brigadenführer*. Without knowing any of the events in Austria I was suddenly telephoned to fly there in order to protect this group which was around Himmler, located in Vienna, and that is how the conception of escort physician arose. That is, whenever Himmler went into town or what he thought was dangerous he asked me or an assistant of mine, after 1941 Dr. Stumpfegger attended, in order to have a surgeon around him. This position became so personal that it had really nothing to do with any political event. In 1939 I was taken along for the purpose of joining him in his journey to the Sudetenland. At that time we were all very ardent in our journey, and who won't admit it must have a bad memory. As his physician there I was at Munich, I saw the negotiations before the Sudetenland and I saw Chamberlain at Munich and we all thought everything was done well.

A. (continued) During this journey Hitler told me about a very personal conflict in his life, and because of the tradition of my father asked me to help him in that task. I wouldn't want to give any hints about that event if I hadn't read so many untruths and bad things in newspaper reports. On the other hand this conflict is characteristic for Hitler personally. On the other hand he was a person who had really no university education. He was a real stable man who just wasn't a student and who didn't know very much and who was in no way supreme. His entire imagination about family and children and everybody having to have children was based on that kind of personality. And, fate played a different game with him. He could have no children and never quite survived this conflict. At any rate, his son and his second daughter were born at Hohenlychen, were under my protection until April 1945, and that is why Hitler under disguise of hospital inspection came to us. And I had the duty to accept the oath of Hippocrates where the words can be applied on all sides - the duty of secrecy which does not only concern the relationship to the patient but also refers to everything which one may see around oneself. If it doesn't belong to one's sphere of duty one has to overlook it, at least one has to keep quiet about it and not take up any official position. I know exactly how difficult it is to see just where the limits are, but I may be permitted to describe the relationship to Hitler, that just because of our close youth relationship - ever since our youth up to the time I became a professor I didn't need his protection and I didn't approved of his founding the SS. Furthermore, I may say that the SS Hitler and the Sport had to come to me and had to ask me to negotiate for them in my sphere of activity. That, contrary to so many who throw themselves around Hitler, I kept far from that. The core of our relationship was that I was not his physician, I was not with him, during the days that he was healthy except during his short journey to Poland.

But, on the other hand I had to accompany him during one of the other dramatic incidents and that I took care of especially personal affairs of his, which have nothing to do with any political state of dependency, but made it very difficult for me to answer the question how I know him, why I know him, and who told me. Nobody at that time in 1939 know what the future will bring, how difficult the future will be. And, I therefore made this very clear agreement with Himmler as we thought it was. One thing absolutely, the duty of secrecy as it is prescribed by the order. I only concern myself with medical affairs and not with use the hours where he went to his wife and children to exercise any influence with him. On the other hand he attached a great value to appear to me to be a bourgeois, knowing my connections abroad. And since he attached great value to the fact that the mother of his children would see him in that light.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken)

THE MARSHAL: Persons in the courtroom will please find their seats. The Tribunal is again in session.

MR. HARDY: May it please the Tribunal, the Prosecution respectfully requests that the Court admonish the witness to confine himself to questions asked by defense counsel and be more concise in his answer. Furthermore, it is requested that defendant refrain from his lengthy speech making.

THE PRESIDENT: The Tribunal is not inclined to admonish the witness. Counsel may proceed.

KARL GEBHARDT - Resumed
CROSS-EXAMINATION (Continued)

BY DR. SEIDL:

Q. Witness, in the indictment it is claimed that you had been the personal physician of Hitler. Is that correct?

A. No, I have never been his personal physician. I would be grateful to the Tribunal if it would permit me to describe the relationship in detail because by the use of phrases and brief descriptions so much injustice has also been heaped upon others and I therefore consider it my duty, in the interest of others, to clarify this matter. The word "personal" physician means that a physician constantly remains with the person he is taking care of and that he is paid by him, just like the personal physician of a king gets his salary from the king himself and he does not take care of any other patients, or only treats other patients with the approval of his master. However, this institution did not exist with Hitler, in any case it did not exist in this manner. It is shown that the influence which Hitler gave to his physicians has to be clarified. Hitler actually was against any medical influence and that was for a very remarkable reason.

his wife had been a senior nurse in a private clinic in Berlin from 1923 until 1933. At that clinic she had seen all the things which private clinics in a large city carry out with cosmetic operations, with abortions, and with cases where money was wrongly used, etc. The concept remained for a long time and it always appeared with Himmler that we, as medical men, considered our profession purely from the point of view of money, and for the duration he never kept a really fully trained physician at his side. The Finnish massage physician was with him most of the time; that was a man who took care of him even in the days when he was healthy and he is what is commonly known abroad as a mesmerist -- a man who believes in influence which is given to him from another source -- and from the very beginning such a man will not have any understanding for the teaching of Medical Schools. During the war he finally made some concessions in that respect yet he was always influenced by mesmerism and homeopathy and always had a hostile attitude towards teachings of Medical Schools. In Munich he established the Bio-Chemical Institute under Fehrenkamp who certainly was a very clever heart specialist, but who was in a very difficult position because he was not fully Aryan, and for working under Himmler. Like people who are in such a difficult position, he certainly may have given him some false advice.

Q. I must interrupt you here, witness. The name of this physician who treated Himmler was Kersten

A. Yes, Kersten.

Q. And the bio-chemist in Munich was Dr. Fehrenkamp. It is the same person who has already been mentioned in the course of this trial and he was supposed to have been the only physician with such ideas in the German medical profession.

A. Yes, he was forced upon the German doctors and faced the

hostility of the whole medical profession in Germany.

Q. You are also accused of Count 4 in the indictment, that is, that you were a member in a criminal organization, if not the SS. You have already stated your point of view with regard to the oath of the SS. In view of this point in the indictment do you want to add anything to your previous statement?

A. I believe it is important to describe this manner of giving orders by Himmler and this manner of thinking which becomes transferred in the Waffen SS through Military channels. Himmler's personal position can be described in very few sentences. Every period of revolution has its typical so-called "second-man", who takes the whole odium of severity on himself, just as Mohammed smiles and the Caliph carries it out. From his whole attitude Himmler was of the opinion that he was a General of the Order who had only one viewpoint and that was Adolf Hitler; that he kept this position so easily because he was the younger and it was probable that he would survive his chief. By careful camouflage he always managed to show every relationship in such a way that he always received directly the order from Hitler, or in any case from that direction. Now he had a strange scientific opinion based on political reasons in a State Ideal from Hegel to Lenin, from Stalin to Hitler, that the State in itself is the main object and that the individual has to subordinate himself to it. What Himmler added to this concept of State Virtue and State Order was that from an obscure agricultural and biological education in the country he did not think of the individual, but what I have called in my writings, the wisdom of race. The prerequisite of such a system of giving orders and for such an oath is that the order is sacred at the moment in which it is given, that is, that disagreement can only

be expressed beforehand, but that in an almost hysterical over-breeding of the old concept of soldiering the order has to be obeyed once it has been given. Today I knew the exact arguments which can be used against these forms of oath and obligations. I would therefore like to bring forth the objections through which the grotesqueness and the incorrectness of this attitude has been proved.

Such an authoritative relationship would only be possible if the person who gives the orders is omniscient, and else rely bound to the moral concept. That is a conclusion at which we arrive today. However, at that time it just opposite, we didn't have any concept at all about the way of giving orders, and we were told that we were given a clear arrangement. I am still of the opinion today that of course it would have been possible to combat such a concept if one understood its false justification. At the time when the Third Reich gave me the chance to work at Hohenlychen, I was unable to understand and that is because I was so far removed from any political activity and burden. However, on the other hand, I am still of the opinion that it is not so that at the very moment a war breaks out, viz. when one previously had an opportunity and developed things and did not realize this conflict that one then suddenly has doubts to obey. I have seen so many people die and be cowards and the cowards always had a philosophical reason for their cowardice if they didn't want to die. At the same moment I went into the field with the Waffen SS, I have tried to maintain my personal independence in the sense of positive criticism. However, on the other hand I have complied with the orders which were given, and I have demanded the same thing from all my subordinates, and that is why today I have to stand by this concept. However, it is something quite different a former SS-man somewhere should believe that the still SS existed with its obligations today, because as a result of the suicide of the commanders and the responsibility which they promised to their subordinates but did not take this form of the oath was carried to absurdity. At the end I will have an opportunity to show that I did everything that Hitler would surrender with me, and on

one afternoon all the Generals of the Waffen SS would also surrender, so that we would vouch for it and our subordinates would become free of all responsibility. At the time I was the only one who wrote the letter to the English General.

Q. What were the various positions which you occupied within course of time within the medical service of the Waffen SS?

A. 1939 I had gone along to Poland as escort physician. This position was very unpleasant. It did not give us the right to intervene in any specialized field of work. We did not see anything of the war and medical activity, so that, just to mention the details which Karl Brandt had hinted, we made ourselves independent. The Brigade of Komolska was perhaps the only cavalry unit which with thousands of injured charged modern weapons and was near Gross-Born. That time Brandt and I, in the first dressing stations at the Eastern Front, took care of the wounded. After all

of these unsatisfactory activities I applied to Himmler to establish something for the SS like a consulting physician or a specialist physician for the Waffen SS.

DR. SEITZEL: May it please the Tribunal, in Volume II of my Document Book, there is an order by Himmler to the defendant Gebhardt, which I shall want to offer as an exhibit. I have the original of this order in my hand. In view of the fact that the order, and the contents of this brief order, are of importance for the further understanding the testimonies, I request that I be given permission to read these few sentences into the record.

THE PRESIDENT: I understand this order has already been introduced in evidence?

DR. SEITZEL: The document has not yet been submitted. It will appear in Volume II of my Document Book as an exhibit. Right now I only want to read the few sentences.

THE PRESIDENT: I understand you will offer the document in evidence?

DR. SEITZEL: Yes.

THE PRESIDENT: You may read the sentences now from the document that you wish to read.

DR. SEITZEL: I quote, "Was Reichsführer SS. Berlin, the 17th of May, 1940. I have ordered SS Oberführer, University Professor, Dr. Karl Gebhardt, consulting surgeon to the Waffen SS, to clinically supervise the medical company, the main dressing station, the field and military hospitals, constantly. For this purpose he is ordered to actively intervene with his surgical group, and its special equipment, in case the front dressing stations are overwhelmed and in the case of especially difficult individual cases. As a special assignment he is charged with creating clinical reception centers, and to direct the transport of badly wounded soldiers or indispensable individuals, (officers or men) over and above the usual means of transportation. The clinical orders given by SS Oberführer Professor Karl Gebhardt are to be observed by military physicians and those in the hospitals of the Waffen SS. At the same time Pro-

Professor Gebhardt has been told not to intervene with hospital work beyond clinical decisions. All military authorities are requested to assist Oberführer Professor Gebhardt and his staff. The Reichs Führer and Chief of German Police." Signed "Heinrich Himmler." End of quotation.

Q Witness, it seems to me in this order of Himmler the tasks are described which you carried out within the medical service of the Waffen SS, in the medical service in France, is that correct?

A It is correct. That this order

shows what would have corresponded to a desired activity under normal circumstances. This order shows how different conditions were with the Waffen SS compared to the Army, as to research medical officers and to their organized medical service. The Waffen SS went into the War with individual elite troops, and it can already be seen from the previous description; how unfortunate it was that they were employed at critical points with the Army, for the connection and contact in personnel and material, however, was so loose that it always was that the divisions of the Waffen SS always were rather badly supported. On the other hand it was very difficult to direct these units from home, because in the first years the divisions were not together but were distributed all over the front. The almost outrageous improvisation is shown by the fact that these almost enormously good volunteers were supplied with physicians who were relatively young, and did not have any experience from the last War. In addition to that, we who were the higher superiors in the Waffen SS, and that as Reich physician in the last war were more young officers than doctors, and also I myself had the experience in the last War and Germany only had it from the Navy. I made it my task to take care of the almost surmountable difficulties providing medical supplies to the front, and untangle this matter in the Waffen SS. Therefore, you see in this order, I, unlike the consulting medical officers in the Army, did not travel around individually, but was traveling with a so-called Lehrstab, training staff, that I traveled from division with fully trained medical officers of all kinds, in order to supply this Waffen SS with its few divisions. Since, I myself lacked any combat experience as a surgeon, I first of all went with the Army in the Norway campaign I remained there with the Army and Waffen SS as combat surgeon in Belgium, in Holland and in France, until the time I was wounded, and thus I worked myself up from front medical officer to the division medical officer and consultant.

the time I had the advantage that from Hohenlychen, I had good contacts with the army, the Luftwaffe and all the agencies, so that with completely collaboration I was able to make my requests everywhere, and was able to obtain assistance for our young heroic troops who did not have any tradition. I therefore was not located anywhere in headquarters or my office in Berlin, but for six or eight months of the year I was at the front and then I was at Hohenlychen for at least three or four months in order to carry out my more important operations. In the meantime, I always went to the staff at Headquarters with the worries and requests with which I was burdened.

Q. In your affidavit of the 12th of December, 1946, which was presented by the prosecution as exhibit 25, you stated that in August of 1943 the position of a chief clinical officer was established by you for the SS and police, and that from December 1, 1943, this position was taken over by you; what tasks did you have in your capacity as chief clinical officer.

A. The attempt to establish the position of a chief clinical officer, which was discontinued after several months, had the only purpose that its use might be tactical at the front. I had experience, of the retreat from Moscow in 1941 or 1942, I have been in Italy at the time of the invasion of Tunis, and was also at Ponoz, and saw how impossible the medical supply was which was given to the Waffen SS, we were very loosely connected with the army at the time. We only had two decisions to make; either, as we learned afterwards was absolutely correct, that the Waffen SS was to be entirely absorbed by the Army and that the whole replacement of personnel and material was to be sent via the army. Hitler always opposed this idea, because he had the idea that his

Waffen SS should be independent in the future, and I shall
go into this later.

On the other hand, when I came back from Donoz from a
plane crash with other wounded, it could be seen what con-
ditions were in practice with the Waffen SS. In the area
from Kiev and further back we had one, two or three fight-
ing Waffen SS divisions. The wounded above all the leaders,
were not to be let out of the hands of the Waffen SS, and
they were not to be lost to any other hospitals at home.
It was practically impossible to carry out this order of
Hitler. Behind these fighting divisions, we had various
kinds of hospital installations of the SS. The SS consisted
of fourteen main offices, and the Waffen SS in the course of
the war became one of the biggest and strongest, however,
at that time we also had the Main Office of the Police, with
approximately one million people. It was much stronger than
the Waffen SS and had a staff of 350 physicians. The sur-
geons who were there had already been tested in the last
war and also during their practice in peace time.

In all the cities in the Ukraine next to each other in
disorderly fashion street stations and detachments of pol-
ice, police stations or mental stations, and the Volk-
sdeutsche Mittelstelle whose work was to take care of civil-
ian matters. We also had Red Cross establishments. On the
whole, it can be seen that the Waffen SS had the material at
its disposal, the police had the trained personnel, and the
Volksdeutsche Mittelstelle had the best hospitals, which
they had taken from the Russians. At that time, I suggested
in my draft to Hitler either to subordinate the entire Waf-
fen SS to the Army and to turn over all the material to the
Army or, and this was

refused and disapproved by a decision of the Fuehrer, that the Waffen SS, the Police and the Volksdeutsche Mittelstelle, that is the three big main offices who were represented at the front and closely behind the front, should be coordinated in one clinical system. That was the reorganization discussion which Genzken already mentioned yesterday. In this respect, it was important for me that with each senior SS and Police Commander vis with the immediate representative of Himmler in the rear echelon, three in Russia, one for Belgium, one for France and one for Italy, one chief medical officer should be established, and that to him the whole material of the Waffen SS, the Police and all the formations within, was to be placed at his disposal, and I was to be in charge of this clinical Set-up. The prerequisite was that the police had to be brought over to this point of view first, and that Dr. Heck, one of our most experienced combat physician should take over the office. So that through this union no differences should exist any more between the Waffen SS and the police. Then we were to establish jointly supply depots and hospitals and in this way we wanted to try to keep the more lightly wounded members of the Waffen SS as close as possible to the front without losing them by distributing them to various branches. I first established this in the Ukraine, when the collapse took place in Italy; I was called to Italy from the 12th September till Monte Cassino, about the end of October; then, in the meantime Dr. Heck, who was to carry out the reorganization in the police, he had succeeded in being transferred, back through Stumpfegger. Of all these tactical experiments very little remained in existence. It is true that Grawitz used this reorganization in order to gain from his antagonism towards Genzken certain advantages, which had nothing whatever to do with my suggestion.

In the years 1944 and 1945 I was in quite a different position with the Army group, which I have already mentioned.

Q I believe that I have to correct two mistakes. You had previously mentioned the SS Main Office for Police and you apparently meant the SS Main Office for Order Police (Ordnungspolizei)

A Yes.

Q That is the regular police? (Ordnungspolizei)

A. Yes.

Q And you agree with me if I tell you that there were only twelve offices, first you mentioned fourteen?

A I do not know that exactly.

Q And now something different, the Prosecution has mentioned as Exhibit 23 an organization chart for the time after 1 September 1943, this is document NO-417. This organizational chart is in Volume 1 of the Prosecution document book, I am going to hand to you this organizational chart. In the organizational chart you have been listed in your capacity as chief clinical officer on the staff of the Reichs Physician SS, and besides you the following are listed: the director of the Personal office of the Reich Physician, that is defendant Poppendick; further the chief hygienist that is the defendant Krugowsky, then the chief dentist, the medical supply officer, and the chief of the Office of statistics.

I am now asking you the following question; did a meeting of these persons Reichs Physician or without him ever take place?

A No such a meeting has ever taken place. May I perhaps say a few words with regard to the plan. It is wrong to subordinate Grawitz to Karl Brandt, because Grawitz always expressively stated that he as Reichs Physician, with his special assignments, was directly responsible to Hitler-Hitler and only by way of personal cooperation did he maintain any contacts. It has already been pointed out that not even the right to issue instructions existed concerning this. This assignment of offices and this scheme was certainly not mentioned in this meeting. I know that upon my suggestion, after I came directly from the front, the following were ordered present: Grawitz and Gonzken, and the escort physician Stumpfegger, that the Higher SS leader and police of the Ukraine, and Dr. Franko, who was to take over this position in the control.

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I know that I previously had told Himmler in a very clear manner, and at that time I already had Stalingrad behind me, Denez and Tunis, that with further improvisations and loose orders with regard to the supply system an unbearable crisis of confidence could take place, with regard to our wounded SS men. At the time Himmler, I believe, was impressed by my report from the front, and thus originated the chief clinical officer, who was to combine this clinical potential of front and rear echelon exactly as I directed with mention of just front and rear echelon.

It was important that the man who had the material, the quartermaster in the field, and the remaining men who were connected with other supply men at the front, viz. Mugrowski, and the coordinating dentist were all set to help my attempts to finally make order there.

I cannot remember, but I believe that Grawitz, a considerable time later, handed me the same plan. I read the name of Porpendick, whom I never officially saw before or after; and the work with Krugowsky was always coordinated, he was the hygienist, and I was the clinical officer.

Q. How often did you meet Dr. Krugowsky for discussions in the course of the war?

A. I believe that no guild separates its various spheres so sharply as the medical profession. I have never underestimated the importance of hygiene at the front. However, I know, like every person who has worked at the front, how quick and how mobile the war was and how little suggestions, the individual vetoes kept up.

I can only remember that at the beginning Krugowsky gave a lecture at one time, and at the time I may have met him at the front. However, I do not know that. I am quite certain that I saw him at the fourth meeting at Hohenlychen. He

was an active medical officer, had been by this institute, was absolutely coordinated, of course, and looked after his own influence in his field. I personally did not have any contact with the bacteriologists at sanitarians.

Q You therefore, in particular, did not have any discussions with him, the subject of which was medical experiments?

A Quite certainly not.

Q Will you please repeat that answer?

A In no manner, and I have not seen Hrugowsky either in preparing the sulfonamide experiments.

Q During the war did you have discussions with non-surgeons?

A I certainly did not have any which discussed the preparation of experiments, certainly not any professional ones. Hohenlychen was a clinic with many guests. I cannot remember having seen, for instance, Herr Rose anywhere or having contacted anybody else in the entire bacteriological field. I have very briefly met him at the front, but each within his field of tasks.

Q For example, didn't you ever have any discussions with Professor Hirt or Professor Gildemeister?

A No.

Q In the order of Himmler which I have already read, front surgeons are mentioned, and you yourself were in charge of them. Did this activity prove its value during the other campaigns and did you also carry it out?

A I have already mentioned that our emergency situation was in contrast to that of the Army. From the very beginning we only had young surgeons. Later on the SS grew to a very large extent in numbers, so we not only had very young but we also had very few surgeons, and it had become a common practice that

wherever big offenses were to be expected an additional surgical group which was led by me was used, so that in Africa with every collapse and with every retreat, I was always constantly being used.

Q Witness, tomorrow we shall discuss the sulfonamide experiments. As a final question for today I would like to tell you the following and I request you to answer the following question. During the war what were your contacts with Himmler, especially with regard to any medical influence, and in view of the experiments which here were the subject of the proceedings?

A I shall openly state whatever I know at this time, whatever I know with regard to the experiments and Himmler. However, quite independent from this may I shortly summarize, outside of being escort physician in Poland, I have not spent a longer period of time with Himmler, with the exception that during the last few weeks Himmler was so lonely that he was together with me with the British occupation troops.

In the meantime my activity was divided between the front and Hohenlychen. I had a very independent position in the sense that I was in a very good personal relationship to Genzken, and I did everything in order to keep Genzken in his position because he was taking good care of the Waffen SS.

On the other hand I took everything away from him at the front which he was unable to supervise, and I tried at first to give orders from outside the Army, and then as the need and danger grew, to supply the frontal troops from within the Army as best I could, I went to Himmler from the family of Himmler from the front, or from Hohenlychen, whenever it was possible for me, and I believe that I was the man who gave him the most honest reports about tendencies abroad, and the situation at the front, and I was able to give him the most honest and truthful information.

However, it was not so that he helped me but that I helped the SS and that generally I always came on my own initiative, and that I reported to him on my own initiative about any special situation. I then spent one or two days at the headquarters. Himmler's working procedure was so that he received persons individually and as soon as some other person was present I purposely never explained the connection to Himmler, because next to Hippocrates Frederic the Great was his saint and he had his Testament, and in the testament of Frederic the Great it is stated, it is important for an order that one does not let his intentions be recognized, so that the subordinate will not bring his report in accord with the desired effect.

I believe that this was one of the main principles in the life of Himmler; that is, how to handle us. May I perhaps say a word in conclusion which I wrote to him at some time or other, which is his good part or his disaster; that is Himmler believes everything at the moment he speaks it, and all persons believe Himmler, what he is saying.

DR. SAIDL: May it please the Tribunal, in view of the fact that now we come to a new sector; that is, the sulfonamide experiments, I request that perhaps the session may now be discontinued and recessed.

THE PRESIDENT: The Tribunal will be in recess until 0930 tomorrow morning.

(The Tribunal adjourned until 5 March 1947 at 0930 hours.)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 5

Target 3

Volume 12

Mar. 5-11, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 12**

**TRANSCRIPTS
(English)**

5-11 March 1947 pp. 3982-4375

Official transcript of the American Military Tribunal in the matter of the United States of America against Karl Brandt, et al, defendants, sitting at Nuernberg, Germany, on 5 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats. The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are all present in court.

THE MARSHAL: May it please Your Honor, all the defendants are present in court with the exception of the defendant Oberheuser who is absent due to illness.

THE PRESIDENT: The Secretary General will note for the record the presence of all defendants in the courtroom save the defendant Oberheuser, who is absent by excuse of the Tribunal because of her illness.

Counsel may proceed.

KARL GEBHARDT - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL (Counsel for the defendants Gebhardt and Fischer):

DR. SEIDL: Mr. President, in order to supplement what the defendant Dr. Karl Gebhardt said on the witness stand yesterday, with reference to his relations to Reichsfuehrer SS Himmler, I shall submit two affidavits which are contained in my document book. The first is an affidavit from SS Brigade Leader and Medical Officer, Dr. Oskar Hock, dated 17 January 1947, and it is on page 67 of the document book. I submit this affidavit as Exhibit Gebhardt No. 4, and I quote:

"Affidavit. I, Dr. Oskar Hock, born 31 January 1898, at present in Nuernberg, Germany, have been advised that a false affidavit will subject me to legal prosecution. I declare on oath that my statements are true and were made in order to be submitted as evidence to the Military Court No. 1 in the Palace of Justice in Nuernberg, Germany.

"Personal Data: Dr. Oskar Hock, born 31 January 1898 in Ebenhausen/

Hessia, finally SS-Brigadefuehrer and Corosarzt with an armored corps of the Waffen SS.

"Relevant Facts: By request of the defense counsel of the defendant Dr. Karl Gebhardt I state the following:

"On 1 September 1943, in spite of my strong resistance, I was appointed Chief of the Medical Service of the uniformed regular police, an office which up to that time had always been occupied by a police doctor. Some weeks before Gebhardt had informed me by phone that on the occasion of the ordered change he would suggest me.

"Simultaneously with my appointment Himmler ordered Gebhardt to assist me in his capacity as chief physician. Nevertheless, during the time I held this office, which was only a few months, he never appeared, presumably because duty and visits to the front prevented him from so doing.

"Previously I had only met Gebhardt on one of his visits to the front. In July 1942 he paid a visit to my division which, at that time, was engaged in heavy fighting in Russia.

"I was division surgeon. When a great number of wounded soldiers had to be brought through very dangerous territory, he was able, by virtue of his well-known personality to arrange for their speedy billeting and treatment in field hospitals. Because of the impression received from this front visit, he quickly sent me a group of surgeons with Stumpfegger as chief, which worked with the division for about six weeks. As far as I heard later on, Stumpfegger was with Himmler from 1942 onwards. I would like to add that after a short time I was relieved from offices as chief of the medical service of the uniformed regular police through the intervention of Dr. Stumpfegger, at that time Himmler's accompanying physician. I had requested Dr. Stumpfegger to do this.
Munich, 17 January 1947 (signed) Dr. Oskar Hock"

and after that follows the certificate of the affidavit.

As Exhibit Gebhardt No. 5 I wish to submit an affidavit from the former Chief Adjutant to the Reichsfuehrer Himmler SS on page 80 of the

document book and I quote:

"Affidavit. I, Werner Grothmann, born on 23 August 1915 at Frankfurt am Main, last SS-Obersturmbannfuhrer in the Waffen SS and Chief Adjutant to Reichsfuhrer of the SS Himmler, interned in the British Canadian Internment Camp at Fallingb., at present in the military prison at Nuernberg, have been warned that I render myself liable to punishment if I submit a false affidavit. I declare under oath that my statement is true and was made for the purpose of being submitted as evidence to the Military Court No. 1 at the Palace of Justice, Nuernberg, Germany.

"On the Subject: From 1940 to 1945 I was Adjutant to Reichsfuhrer of the SS Himmler. Since 1942 as Adjutant I was entrusted with the handling of military matters in Himmler's staff. As such, I am in the position to testify about the general organization of the Field Headquarters (Himmler's headquarters). Reports of a military character were submitted to Himmler through me; matters concerning police affairs were submitted through Lt. Col. of the Police Suchanek; the handling of incoming and outgoing mail for Himmler was exclusively in the charge of Dr. Rudolf Brandt, Himmler's personal adviser. Himmler himself ordered persons to attend conferences with him. He always conducted these conferences alone with the persons concerned, i.e. without Brandt, Suchanek, or myself being present. Information regarding the subject of the conferences was usually not given by Himmler.

"At any time the physicians on Hitler's staff were the British chiropractor Dr. Conston, who, during his presence at headquarters, treated Hitler daily; furthermore, a so-called "permanent escort physician", who attended trips to the front and who was also responsible for the medical care of the personnel of the Field Headquarters; from 1941 to 1942, Dr. Wittmann was escorting physician, and from 1942 to the autumn of 1944 it was Dr. Stumpfegger, and from the autumn of 1944 up to the armistice it was Dr. Huebner.

"During my assignment as adjutant to Hitler, Prof. Gebhardt held the position of consulting surgeon of the Waffen-SS where he also performed operations. Furthermore, Prof. Gebhardt was also chief physician at Hohenlychen at that time; Hitler visited Hohenlychen approximately two or three times a year. He used the opportunity, especially around Christmas, to visit the wounded and also to see his two children, who lived at Hohenlychen, later in the vicinity. Dr. Gebhardt's visits to Hitler's headquarters during my period of office as adjutant (from 1940-1945) usually lasted just a few days; the announcement of his visit mostly came through me, without giving any reasons. I have never attended any conferences between Hitler and Gebhardt. As far as I remember, only Hitler and Gebhardt were present at these conferences, following Hitler's custom. Neither Hitler nor Gebhardt informed me even afterwards about the subject of these discussions. In respect of his collaborators, too, Hitler obeyed the Fuehrer's command concerning secrecy, which permitted information to be given only to the extent necessary for the execution of certain duties by the persons concerned. In conversations in the presence of several people, as for example discussions at the table, only those matters were

discussed which were not subject to secrecy. In addition to the above mentioned tête-a-tête conferences between Himmler and Gebhardt I only remember one conference at which besides Professor Gebhardt also Professor Grawitz was ordered to appear. The subject of this conference, too, remained unknown to me. Frequent conferences or conferences at regular intervals between Himmler and several SS-Physicians together never took place in my time.

"In addition to his activities already mentioned, Professor Dr. Gebhardt, since autumn 1944 to my knowledge was Heeresgruppenarzt (Army Group Medical Officer) with the Army-Group Oberrhein, since January 1945, Heeresgruppenarzt with the Army-Group Weichsel.

"Nurnberg, 27 January 1947"

And then follows the signature and the certificate of the document.

Mr. President, Your Honors, before questioning the defendant regarding sulfanilamide experiments I should like your permission to submit a few documents dealing with the subject of these experiments and which have already repeatedly been mentioned in the course of submission of evidence. The first document of this type which I wish to submit is a document you will find on page 1 of the document book. It is a report on the first Working Meeting East which was held 18-19 May 1942 at the Military Medical Academy at Berlin. I wish to submit this report, or rather the excerpts from it, as Exhibit Gebhardt No. 6.

THE PRESIDENT: Counsel, you did not assign a number to the last exhibit which you offered. That would be Gebhardt Exhibit No. 5, the affidavit of Werner Grothmann. You did not mention that number.

DR. SEIDL: Mr. President, the last exhibit was number 5.

I beg your pardon. And this extract from this meeting which had taken place in May, this meeting which was the meeting of the East of Consulting Specialists, will be Exhibit No. 6.

MR. HARDY: May it please the Court, recently the Tribunal ruled that any document that had been put into evidence by the Prosecution would not be put into evidence by the Defense and bear another exhibit number. These documents which Dr. Seidl has been referring to have already been admitted and bear exhibit numbers of Prosecution, -- and I don't think it necessary.

JUDGE SEBRING: Has it already been admitted in full with the same completeness that Dr. Seidl has?

MR. HARDY: In this particular instance I don't believe so. We have introduced various excerpts. I don't know which excerpts he is referring to now, but I imagine the same ones we have introduced.

DR. SEIDL: Mr. President, with reference to this I would like to say the following. In the course of submission of evidence, that is to say, when Prosecution was going on the defense in this case, the attorney for the defendant and loser, made the suggestion that Prosecution should submit these minutes -- these reports of these meetings -- in entirety. That application was refused -- the reason being that the reports on these conferences, summarized in books known to the Tribunal, were too voluminous. The Prosecution only submitted extracts, very short ones at that. The extracts which I intend to submit now, with the exception of one brief paragraph, had not been submitted. Considering that the extracts submitted by the Prosecution and those which I propose to submit have no immediate and internal connections, I am of the opinion that it would appear suitable that exhibits of the defense should be given their own independent number but here,

in my opinion, we are only concerned with a technical question, the question of only designating documents. --, since the Tribunal has expressly granted the right to defense that all extracts of those conferences may be submitted, such as will be important as evidence to the defense, I am of course prepared to submit this extract under a exhibit number which is suggested by the Prosecution. This appears to me to be a very inferior technical

question, really.

THE PRESIDENT: How many pages of your document book, counsel, are covered by this exhibit? The English document book furnished the Tribunal do not carry the number of the exhibits, the documents, offered by your client.

DR. SEIDL: The document numbers are contained in the index on the first page. Altogether I am going to submit three extracts. That is, one about the conference of May 1942, pages 1-19 of the Document Book. Secondly, an extract with reference to the second meeting in November 1942, that is page 14-21. And, thirdly, an extract dealing with the third conference taking place in May 1943, page 22 to 32 of the Document Book.

THE PRESIDENT: Do you expect to read this entire nineteen pages into the record?

DR. SEIDL: I would not propose to read all of these nineteen pages, just individual extracts which appeared to me to be particularly important.

JUDGE SEHRING: Doctor, what is the purpose of this tender?

DR. SEIDL: The purpose of these exhibits is the following:
The defendant Gebhardt, and the two other defendants which I represent, have carried out sulfanilamide experiments which they do not deny. If when evidence was submitted earlier it had been mentioned repeatedly or questioned repeatedly, first, whether these experiments were necessary; secondly, whether if they were necessary to what extent effectiveness of the sulfanilamide experiments was debated in military and civilian medical circles in Germany; and, thirdly, what the contents of the speech of Professor Rostock in the conference were; fourth, what the outcome of the experiments was; and fifth, what opinions were voiced in the discussion with reference to that question, the discussion which took place during these various conferences. I am now talking about factual and legal reasons. These are very relevant, indeed, so much so in my opinion extracts from these reports should be submitted. All the more so because Prosecution on their part have already submitted extracts on behalf of some importance and, since consideration of such extracts by Prosecution alone were not fair to give the suitable picture of the thing, but a one sided and incorrect picture.

JUDGE SEHRING: Is it your theory that these reports will, when

supplemented by such portions of the reports which Prosecution has submitted, give color to the whole series of experiments and tend to show with completeness the over-all aspect of that convention or meeting. Is that the point? In other words, as I understand the Prosecution, they have submitted portions of the report to show not only the defendants Gebhardt and Fisher had conducted experiments on human beings in an illegal fashion, but that almost anyone in attendance at the conference could have clearly ascertained by hearing the reports that the experiments were in fact illegal. I understand that is the position of Prosecution. Now, then you are submitting these report for the purpose of showing an over-all complex of the meeting and to show in completeness what actually transpired?

DR. SEIDL: The purpose of these documents is not that of showing whether other participants in the conference, particularly with reference to the responsibility of these experiments, could form a picture about that. But the purpose, as the Tribunal has just stated, is to present the entire context statement between the individual meetings, conferences, and I believe it essential this should be done in order to back the statements made by the defendants on the witness stand and give the essential background there.

MR. HARDY: I might call to the attention of the Tribunal that the extract submitted by Prosecution was an extract of the 1943 conference, and this extract is of the 1942 conference.

THE PRESIDENT: The document offered by counsel will be received in evidence. I understand that counsel will read into the record only those parts deemed particularly pertinent. Now this document apparently ends on page 13. While the documents are numbered in the index they are not numbered throughout the book which makes it a little difficult for the Tribunal to see where one document begins and another ends. That requires examination of the index.

DR. SEIDL: The first document starts on page 1 - finishes on page 13.

THE PRESIDENT: On which page?

DR. SEIDL: Page 13.

JUDGE SEERING: Which one are you now offering?

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DR. SEIDL: I am speaking of the document which deals with the first conference - the Eastern conference of consulting specialists on the 18th and 19th of May, 1942, beginning on Page 1 of the document book. The incident has already been dealt with by Dr. Handloser's defense counsel and presented to the Tribunal, so I can refer to it. Then on page 2 there is a lecture, which has been mentioned repeatedly, given by Professor Dr. Rostock, parts of which I propose to read into the record. I quote:

"IV. CHEMOTHERAPY OF WOUND INFECTIONS. - Lecture by Oberstabsarzt Professor Rostock.

"Chemotherapy of the wound is ancient science. Each war has changed the old question and brought it forward again to the contemporary standard of scientific knowledge.

"My statements are not intended to give a summary of the previous results, but are intended to sum up briefly what practical knowledge we have, and are to form the basis for a discussion.

"A new method in the application of sulfonamides, now in the center of interest, is that they are not applied locally to the wound, but are introduced generally into the body either enterally or parenterally to spread their effect in this way. The fact that some drugs are intended specifically against various bacteria and against the diseases caused by them is also new to science. The success of sulfonamide treatment with pneumonia, gonorrhea, epidemic meningitis and perhaps with erysipelas cannot be denied. We are not concerned with these diseases here. We only want to deal with wound diseases (tetanus, gas edema) and with wound infections.

"We know that sulfonamides are ineffective against tetanus. Their effectiveness with regard to gas edema is under discussion, and has so far, not been clarified. Perhaps this is partly due to the fact that true gas edema, which is caused by the three known viruses, is not always distinguished from the essentially mild gas phlegmons.

"With regard to the treatment of wound infection local application is in the foreground of interest today, not the enteral and parenteral

introduction. Previous results have been judged in different ways. Brunner has even dared treat peacetime injuries which were contaminated locally with sulfonamides and then suturing the wound without previously making a wound excision. Schreuss has highly praised the 'wide-spread effectiveness' of the drugs. Kirschner and his assistants have doubted its effectiveness. They have tried to prove, by experiments, that jodoform is superior to sulfonamides when applied locally to wounds.

"The explanation of the method of operation with these drugs is of vital importance to our knowledge. In former times, it was believed that disinfecting drugs for wounds had a special effect on the vitality of the bacteria and the generally known conclusion was reached that all the drugs used were more likely to kill the cells of the wound than the bacteria introduced into it. Sulfonamides are said to have a different effect. It has been claimed (Heubner) that only with the tissue of the body, do they form effective materials, the nature of which is not known in detail. On the other hand, it has been claimed that the drugs create a so-called defensive tissue in the wounds. Other researchers believe that the drugs facilitate the phagocytosis of the bacteria. The fact, that necrotic tissues, and their products of catabolism in the wound, are obstructive to the effects of the remedy is an important one.

"The determination of the method of operation with sulfonamides is of fundamental importance with regard to its practical application and this basic research is therefore urgent. I can create the material basis for such research at my clinic if the necessary patient material is provided and if suitable physicians interested in research are made available.

"For collecting clinical experience, it is necessary that the individual bacteria strains react differently. The drugs are more effective in vivo than in vitro (Brunner). The wound bacteria can be arranged as follows with regard to their increasing resistance to sulfonamides:

pneumococci

streptococci

coli

proteus

pyocyanase

staphylococci

"The place held by the most important viruses of the gas edema in this series is being discussed.

"If we try to determine the aim and method of clinical experiment, the following deductions can be made:

"The most important thing appears to be the examination of the method of operation of local application to the wounds of sulfonamides, but the operative treatment of the wound must not be forgotten in any way. It remains the basis of our procedure with practical chemotherapy as well, because necroses of the wound area do considerably restrict the effect of sulfonamides. The great danger of chemotherapy is that it may lead physicians who are not very careful to negligence when carrying out the operative treatment of the wounds, because considerable hope is placed in chemotherapy.

"In the experiment, similar series can be created, that is research work can be done exactly as Kirschner requested in his controversy with Schreuss. At the sick bed, the opinion of the specialist decides the procedure.

"Secondly, the effect of a general introduction into the body of a drug would have to be examined. The effects of a local application will probably be inferior. Perhaps general applications for brain wounds has a certain importance, as there is no blood liquor level for sulfonamides.

"When the doses was discussed, it was decided to make it depend on the concentration of the drug in the blood (5 to 10 milligrams - in serious cases 20 milligrams), and on its excretion in the urine. This may be necessary in a scientific experiment. This criterion can, however, not be applied in practical war work. We must look for simpler doses indicators.

"As usual with sulfonamides, we shall not continuously apply it locally, but now and then for several days on end. We shall powder the drug into

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the wound by means of a powder blower or a powder castor after the wound has been examined, and repeat this at the next change of dressing. On the days between the changes of dressing the drug is to be administered orally. The peroral administration cannot be carried out at the height of the war."

As for the remainder of this lecture, I beg the Tribunal to take judicial notice of it and I pass on to page 7 of the document book dealing with the discussion of this lecture and I shall merely refer to statements which came up in the discussion, in this case by Professor Krueger. Professor Krueger was working in Breslau - I beg your pardon, I have to correct myself - it was Berlin, and what he said was this. In connection with this, I should add distinctly that this discussion, as well as the lecture itself given by Professor Testock, took place before the carrying out of the experiments made by Fischer and Goehardt, and now I quote Professor Krueger:

"Very favorable opinion of sulfonamide prophylaxis though only on the basis of clinical observations. (brain shots without meningitis, pulmonary gun shot wounds without empyema, etc.) (5000 cases)."

Following that, Professor Sauerbruch spoke. Where Professor Krueger praised the effects of sulfonamide, Geheimrat Sauerbruch, on the other hand, was very skeptical of it. I quote:

"Sauerbruch criticizes the primitiveness of the opinions on the healing of wounds. During the World War the same results were hoped for with vuzin, rivanol etc. The remedies veil the surgical work and lead to superficiality. We should, however, examine things critically and the work of examination should be put into the hands of surgeons who know general surgery."

On Page 8, Professor Krause also had something to say, and I quote from his statement:

"I agree essentially to what Mr. Rostock has said. At the suggestion of our Army Physician, Generalstabsarzt Dr. Ganderloch, we carried out extensive treatment with besudin among our troops since August of last year,

especially on cases of gangrene, and we have made a number of observations where this remedy was administered orally as well as applied locally. In these cases it also proved to be effective. Nevertheless I should like to say that no final opinion on the effect of these preparations can be made as yet. Although we have heard some enthusiastic opinions concerning this preparation and therapy, in many places where good results were reported, especially by surgeons, we have also heard of other cases when it was applied orally or locally where it completely failed to have any effect. This cannot be seen completely at first sight. The main reason is that in the case of gas edema, we do not have a pure infection with a strain of bacteria, but a mixed infection; whereas these preparations are always based on special germs, for instance, the serum on blackleg bacilli (symptomatic anthrax bacilli) which are of little importance in cases of gangrenous infections, while the Fraenkel and Novysch vacilli must be considered of primary importance. Moreover by a pure application of these preparations, we met with so little success that we stopped using them immediately, and active surgical treatment was carried out. The important result, as Mr. Rostock has also told us, is that surgical operations are the most important in cases of gangrene and will probably remain so."

Then the final speaker in this discussion whom I wish to quote was Professor Gins. You will find this on page 10 of the document book. Professor Gins is a bacteriologist and a professor at the Robert Koch Institute at Berlin. I quote him:

"A short contribution to the problem of chemotherapy based on our chemotherapeutical animal experiments. From what we have seen, for instance from the experiments which took place under my direction, none of the preparations used had any recognizable effect. Neither prontosil nor prontosilbin showed anything similar. None of the animals remained alive after marfanil and mesudin had been applied. Similar results were observed with sulfanil and siron, the so-called new sulfonamides which had been put at our disposal by the German Hyster Plants. Of this last group, we can

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say finally: no indications of a special effect resulting from local administration were shown in animal experiments.

"New experiments were finally made with katoxin, which at that time were very hopefully recommended. This is a preparation, the effect of which comes from a combined oligodynamic Silver effect and a protracted oxygen effect. The first experiments conducted by the Katoxin Company itself, appeared very hopeful.

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"Later tests conducted by the work group of the Katoxin Company, here in the academy under my direction, likewise appeared to be very promising and were, in addition, a very interesting contribution to the psychology of animal experiments. In one series of experiments, in which the katoxin preparations was used partly on letters A and partly on letters D, all animals belonging to group A remained alive while all animals of group D died. (Laughter.) --

"Particular attention should be drawn to the fact that such things do happen. It was not possible to find any form of dishonesty in the performance of the experiments. Everything was completely under control. Any suspicion that somebody was not honest can therefore be eliminated. I am only quoting this to prove how careful one must be in order to get sound results. The experiments has shown that katoxin does not act differently to other sulfonamides.

"If we have a suggestion to make, therefore, it is a suggestion somewhat similar to that already made by the clinical physicians: The fact that a guinea pig is not a human being must always be taken into consideration, and if the tests have proved that preparations which affect the tissue will not do any harm, it is worth considering carrying out more intensive experiments with this preparation. From our point of view, we could not generally recommend the application of certain preparations, but we could recommend the application of certain preparations, but we could recommend a clinical test using the same groups and considering what Mr. Rostock has said. If this is done maybe we shall see that sulfonamides, perhaps even katoxin, when applied in certain ways or in certain cases, may now and then be successful.

"I would suggest including katoxin in these tests, on the condition of course, that you do not expect too much of it."

As far as the rest of the report of this conference is concerned I shall ask the Tribunal to take judicial notice and I shall pass on to page 13 of the

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document, an extract on the Second Conference East (Arbeitstagung-Ost) of the Consulting Physicians, taking place on November 30 to December 30, 1942. This will be Exhibit Gebhardt No. 7. As far as Professor Warbrand's lecture is concerned...

MR. McHANEY: If the Tribunal please, the Prosecution has no particular objection to these documents being submitted in evidence and we would agree to have the submitting of them extended into the record but I must object to the reading at great length of these reports. The Prosecution is perfectly willing to concede that German medical experts felt that there were open problems in the field that German medical experts felt that there were open problems in the field of sulfanilamide; that is all I take it that these documents purport to prove and I suggest that we proceed with the examination of the witness. In any event it is not necessary to read those loud in court if he is going to base his questions on them. The witness now on the stand is perfectly familiar with them and he can direct his questions.

DR. SEIDL: Mr. President, I did not initially intend to quote too much from Exhibit Gebhardt No. 7. As far as I myself was concerned I was going to ask the Tribunal to take judicial notice of it. They were merely a few short statements coming up during the discussion which I proposed to read; they can be found on page 16 of the document book, as well as page 19.

THE PRESIDENT: Counsel may read these extracts from the documents but not take up too much time. Document will be admitted into evidence as Gebhardt Exhibit No. 7. Counsel should use discretion in reading from the document on account of the time it takes to read it.

DR. SEIDL: Well, then, I shall quote from page 16 of the document book, statements made by Professor Krueger during the discussion, as well as Professor Schulze and Professor Schmidt. The reason I am doing so is because these statements seem to describe the situation at the time rather well. I quote:

"KRUEGER recommends the use of sulfonamides especially for abdominal wounds: he believes that the good results he obtained (of almost

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1000 cases with abdominal wounds, including the patients who died in the rear hospitals, 55% were cured) are to be ascribed to the effect of the sulfonamides.

"W. SCHULZE also warmly advocates the treatment with sulfonamides.

" PROF. SCHIMDT rejects the intraperitoneal treatment with sulfonamides. 7 different surgeons cured 50% of the cases without this method, although under conditions which equalled those of penicillin."

Then I pass on to page 19 of the document book and from there I quote statements made by Professors Krueger and Krauss. I quote:

"Krueger recommends the use of sulfonamides also in the case of gas gun shot wounds of the lungs. The mortality of about 100 cases of gun shot wounds of the lungs amounted to 12.6%, including the patients who died later on in general hospitals."

"Professor Krauss has not found any decisive influence on gun shot wounds of the lungs by the use of sulfonamides."

As far as the speech made by Professor Laewen is concerned, which is found on page 20 of the document book, I ask the Tribunal to take judicial notice of this. This would then conclude the submission of documents at this stage of the proceedings and I ask permission to be allowed to continue with the examination of Defendant Dr. Gebhardt.

BY DR. SEIDL:

Q. Witness, the Prosecution in the course of their submission of evidence with reference to the sulfonamide experiments, called 4 experimental subjects as witnesses. Before going into the details of these experiments may I ask you to tell me how you stand, in principle, with reference to these special experiments carried out on human beings?

A. May I take the liberty of making an introductory remark? I shall be brief with it and actually I shall only touch upon the important points raised by the Prosecution, which I shall summarize. From there I shall pass on to the very different attitude adopted by me and to the necessity which I consider exists relating to a different type of evidence which should be

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submitted.

The Prosecution places this experiment right in the center of these proceedings and derives from it the following 4 points: 1), that a soldier, no matter, be considered a criminal because he came from the SS, or not obeying an order, whether the jurisdiction of the order be recognized or not. 2), that on the other hand where I, as a doctor, have a choice of action, I should be particularly defamed, and the Prosecution was underlining the criminal individual attitude adopted by Defendant Gebhardt and I was being accused that within the framework of this order I had acted negligently, unscientifically, and without achieving any special particular results. It was also considered that the criminal parts of my nature, that is to say, the moral insanity was recognizable in the pitiless carrying out of these experiments and my general attitude. In point 4 the Prosecution goes even one step further. They say, -- and don't forget that they are laymen, and I shall go into the scientific part of what they said in more detail -- they said that any value of this work for the wider part of humanity did not exist. The Prosecution denied it.

You all know that the discussions going on abroad at this moment are exactly in reverse; in other words, important doctors, such as, for instance, the personal physician of His Majesty the King of England, are representing the view that even if we are criminals and even if the carrying out of these experiments was criminal, then the work would have one last ethical value if the general public were placed in a position to receive the benefits of the results of these experiments. Without passion, just as though judging a doctor's thesis, I shall make every effort to deal with those 4 points put up by the Prosecution. But even now I should like to take the liberty of underlining one basic difference. Even if at present I am not regarded any human or scientific value, there is a man speaking here now who has dealt with gangrene infections for 12 years and who, therefore, as far as judging the progress of such disease and the therapeutical effects of such an infection is concerned, has made this a special field and has become a specialist on that subject to a much larger extent than anyone in this room. I should

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like also to ask the Tribunal to give me a chance of dealing with this so-
important part of the work of German and foreign scientists in detail.
The final exploitation of our work could be facilitated inasfar as the haze
of semi-medical ideas and wrongly applied medical expressions as well as
evidence showing facts in distorted fashion can be rectified by me as an
expert, so that any one reading the record years after our death would be
in a position to judge the particular experiment in question, something which
up to now is impossible, and I would like to suggest that it may or may not
be by design that a haze is being created here, or whether it is merely
because of the inefficiency of the laymen that it has happened.

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At any rate on this point I am back in the same situation, something which I should like to underline, and where I found myself before, namely, someone is attacking me, a layman who is saying he can pass judgment, who has no idea of the progress of an infectious disease, or what death and dying of thousands means; that I should answer this layman, not on my behalf, but on behalf of the public, and put him in his place. In other words, the fact implicates me legally, and I am well represented by myself since I am assuming responsibility for that. The incredible impression which we have received has been achieved by a minor optical trick. Without knowledge of the contents and procedure, four women deeply mourned by me were brought for demonstration to this Tribunal, and of course that caused the pity of every decent spectator, and then an expert of the size of Professor Alexander added his comment, but I myself was kindly instructed by him that he did not consider himself the expert of this Tribunal, and therefore did not consider himself above that in this Court Room, but that it was merely the advisable facts which he was presenting, and that as the representative expert of the prosecution he was giving the existence which we saw him give in this Court Room. Furthermore, Professor Alexander was fair and decent enough to state expressly that he was making every effort to restrain himself to his opinions as an expert, but that then he was inspired with a hate against each and every German until the collapse, for which he had every reason. It is important to base one's thought on this. Now, here is my comment, the selection of the four witnesses produced in this case was essential and possible since the 60 experimental persons, mostly through my assistance and collaboration simultaneously with the patients at Hohenlychen were transported with a car from a Swedish Commission with which they arrived at the German Danish border, so that I made it possible that this evidence could be summarized, and without any secrecy it was possible to choose the most seriously wounded and present them here in Court. Furthermore, may I point out that it is internationally known to Courts that the fatality in gas gangrene cases lies between 50 to 60 percent, also that you still usually add 20 percent of

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seriously wounded cases to this, so that you must also consider least amputations or wounded joints. May I state in connection with my scientific statement that fatalities in our series of experiments amounted to 5 to 6 per cent; and that no permanent damage remained to anyone in this connection, May I add that there was a skilful mixing of cosmetic pictures with functional troubles, something which I as an expert of 20 years standing, wish to point out particularly strongly. As far as my lack of sympathy, and pity is concerned, I should like to say it is rather questionable to say to what extent a medical officer and doctor is in a position to express his pity to a prisoner by means of words. I was medical officer of the American camp at Hersbruck. I should add that there I had an opportunity to deal with open tuberculosis, cancer, and other diseased persons greatly in need of medical treatment. The American medical officer of the camp wasn't in a position to express his sympathy in words either, but in a fair and therapeutical way he has taken care of that emergency. I, as an old doctor, object to the description, of pity and journalistic representation accorded to them, that it is to be shown by word, and is only a pose, and I state it is the therapeutical action taken by the doctor, and finally I shall have to deal with the statement that the results of these experiments had been so negative; and I shall first of all deal with conditions at the front, because I can quite see that people who have never seen emergencies, worries and the dying of soldiers must be unable to pass any kind of judgment in this connection, judgment on a conflict of this type and judgment on what should be done to save thousands, and what should be left undone. When we were captured we had two possibilities, we could commit suicide as cowards and shoot ourselves; or we had the presence to choose the trial to be charged and executed. The majority among us went to Russia, assuming there would be the best understanding to it toward a surrender in a totalitarian country. And again might I say that deliberately and with all my possibilities of submitting evidence I voluntarily surrendered to the British and American Tribunal, and I should also like to state additionally that one thing which

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was not taken care of when my reputation was murdered here as that I am an exception in comparison to the other defendants, insofar at least that in the spring of 1944, as noted already, I was dealt with by a Court of the Polish-British exile government in connection with the sulphonamide experiments and sentenced to death by it, and that I did not do anything at all to remove either documents or witnesses, but went to the British zone of occupation deliberately, in spite of it. I think that even the last reference to personal to cowardise and must have been dealt with by my sickness, namely that we carried these experiments only because we were afraid of our lives and afraid of going into concentration camps, and that was contradicted.

Q. Witness, we shall have to come to the basic idea behind these experiments, when you were advisory physician to the Waffen SS in the winter of 1941 and 1942 and you went to the Eastern Front, and what were the experiences you gained there?

I shall deal with the basic plan of the Russian war very briefly, I shall summarize it generally. I should like to point out to the Tribunal that my actions in 1942, that is to say between the collapse of our front in the winter of 1941 to 1942, were carried out when I myself with two groups of surgeons observed the entire misery of the situation.

All along the Russian front right down to Rostov, the final outcome of it must be traced to the time. I was the first person who was taking objective reports back from Stalingrad. The particular weight of this must be placed on the fact that I was a personal friend of General Paclus, so I certainly had a way to judge the degree, the extent of the German catastrophe.

May I deal with the conception of winter war in the east? Let this High Tribunal be convinced that both in connection with this affair, as well as any other experiments carried out by me, far be it from me to criticize any allied power in any way. Even during the war I represented the single point of view that victory does not grow if you slander the opponent and that once own failure cannot be excused any more officially if you blame somebody else.

This Russian winter war was such that it put soldiers before tasks which had never existed before and which had never cropped up during the conduct of any war by us. We as soldiers were formed in such a way that no one will ever forget it. Any one who is at any time set in a frozen motor car without any port and without any communications in the middle of this tremendously large country, Russia, surrounded by thousands of frozen men, to anyone to whom this has ever happened will not forget it for the rest of his life and it is unknown to anyone who is not put in this situation.

We found that even in this modern highly technical time there could be such tremendous harm inflicted by nature that any technical appliances even the most modern machinery is worthless. Turning against the Russians would look no more than ridiculous, certainly it showed that the conflict with the emergencies inflicted by this winter would at all times over-rule any individual laws, something which the Russians dealt with in an exemplary manner. Transport of technical equipment, such as car transports of wounded men, anything that you run in winter conditions such as this cannot be solved

with modern vehicles, air-craft or means like that. It can only be achieved by employing masses of civilians and by using thousands of men to transport every barrel of gas, every medical supply, every instrument to the front. This complete sacrifice on the part of the masses, the sacrifice on behalf of the will to win the war, was something that the Russians achieved in the greatest possible manner. It is not up to me to ascertain whether there people were just volunteers who froze to death and whether or not prisoners of war were among them too. I shall not bother to remember such details as that.

One thing is apparently clear, the privilege of being in his own country on his own soil and the friend of the eastern people, who live there and this completely identifies the young Russian Communists, brought up with two religious conceptions in this unreligious Bolshevik state, made an unconditional sacrifice. I don't want to say that the Russians were sacrificing thousands, but some thousands died in this type of warfare and I am not speaking of soldiers.

If the conduct of the war on German's side was to continue after this type of warfare had broken out, and of course, we know that after this dreadful event of 1942, we should have stopped then, we would have had to act in a similar manner and every man in every camp in the background would have to be used. It is not up to me, however, to be the judge if this is legally correct or not. At any rate, there were two totalitarian people prepared to use their last resources against each other and between them there was the struggle against nature and both these people used the same means to achieve their ends. Every vehicle was shot at, be it marked by a Red Cross or not, and that was the time when something was created and achieved by the Bolsheviks; namely, that there is not only the individual thing and the strict collective proletarian but there is also the superior individual point of view that of complete suffering and total sacrifice.

Q. Witness, which were the social problems which arose from this research at the front?

A. The decisive outlook was to save people at all costs. Right now I

would like to trace a dividing line because the impression created by my report in 1941 and 1942, as brought back by me from Stalingrad in 1942 in the winter campaign in 1941 and 1942, people froze to death out of the Waffen SS, all the old soldiers and reliable stock of volunteers. Mostly people who were personally known to Himmler and Hitler. This report had an effect so terrifyingly personal, the old guards known to Adolf Hitler since the seizure of power. Twelve to fourteen thousand men were sent in and there returned shortly afterward about one thousand men strong. The feeling prevailed therefore on terrible personal suffering and there was the desire to help and do something to slow down this catastrophe.

I think I am right in saying I was the first surgeon in our sector who came back from these experiences and at that time I had an opportunity to report to both Hitler and Himmler about it in detail. Until that time, as I said yesterday there was the Waffen SS, these small elite divisions, I recommended to make sure of real recovery of these divisions, clinically speaking, by all means. Once again I rushed to the front with my operative instruction staffs and we asked for a time of rest for our badly beaten numbers and we wanted to take care of the men -- men after men -- purely clinically speaking, thus, making one decent division again out of two or three. In that connection, I not only took teachers with me but also subordinates, so that clinically speaking our potential strength could be reallocated. The requisite was, and this is something I emphasized to Himmler again and again, that during these times our losses in the Waffen SS should not be experimented with and the lesson should be drawn from this collapse that the Blitzkrieg war in Russia was over and the Waffen SS with its efficient men and inefficient leaders, particularly insofar as the medical field was concerned, should undergo careful clinical development at that stage.

Q. Did Himmler accept that suggestion of yours?

A. As far as this year of misery of 1942 is concerned, I can reconstruct I think discuss one rather efficiently. The discussion in the sense I described continued in January following the Christmas visit paid to

Hohenlychen by Himmler. He was so deeply impressed by the incredible losses among his elite regiments that my power, as a man of experience, was decisive so that he promised me something, and after all that is the result of the misery of my participation in these experiments insofar as clinical welfare being brought to the troops from the point of view of the physician, that nothing would happen which would not be done through me or with me. To my recollection, after that I went to Hohenlychen. Until then I was with the army through their special corps. General von Reichenau being a patient of mine and it was after all my task to act as an expert and carry out personal orders. This must have been approximately at the time of Charkow - Poltava.

Q. You mean in April of 1942?

A. Yes in April of 1942 when I was with the sixth army and I was at the front to such an extent that when the conference took place on May 18 - 20 I was not there to participate, but then after this conference, in other words during the days of the 23rd, 25th and 26th of May a special courier called me back to the headquarters and it was there that the decisive discussions regarding the reforming of the Waffen SS took place, which was to act under Himmler. As far as I can remember these discussions had gone on days and weeks beforehand. Himmler, in his own particular way, called the important leaders and commanders to come and see him. I only remember for certain that he was together, Gruppenfuhrer Hobe, Reich Medical Officer Grawitz, and I. Hobe at that time was a very important man, because to start with he himself had been fighting in the east and secondly, he was the internationally known intelligence man of the R.S.H.L., the Reichs Main Security Office. The basis for these experiments showed three points clearly. On the other side it was Himmler who always made the decision.

In dealing with the order given to Grawitz in 1944, I shall come in detail to the draft, which I submitted and I hope the prosecution shall help me by putting this to me.

Anyway the situation at the time was that during the conference it was not medical details, which came up for discussion. Himmler gave us a lecture and stressed all the time military conditions and you must realize

that military conditions had changed insofar as the Waffen SS was concerned. I remind you that as a result of our tremendous defeat in the East, Hitler himself had become supreme commander and in a totalitarian manner he saved all within the military and no other fields and that, in connection with this conception of inter reorganization of his armed forces was something representing a very considerable problem to him. It was no secret that this was the greatest crisis insofar as his confidence in people was concerned, the commanders of the armed forces were exchanged, etc.

Hitler at that time said, and I have no reason to doubt him, that during these weeks conversations between Hitler and Himmler took place to the effect that contrary to its tendency and development, the Waffen SS should become the important part of the armed forces; running, shall we say, a large amount of the army proper, and that he believed that considering all the military political difficulties, this instrument would enable him to remain in power.

Yesterday, I took the liberty of describing briefly how for a few weeks or months Himmler had been a soldier, that he never had acquainted himself with the realities of war. His relations to Hitler were such as in the French Revolution when Robespierre had been the eternal second who only had one concept and that was sacred absolute obedience to his ideal in whom he believed, he skillfully looked after his chance in this case of becoming chief of the biggest section of the armed forces, in which he shortly afterward made good headway, because the Waffen SS received 30-40 divisions, and he became chief of the leading reserve army. He, as a non-military man, led the army group until this farce came to an end.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

BY DR. SEIDL:

Q. Witness, when and under what circumstances was the order issued that the effectiveness of sulfonamides was to be tested in an experiment?

A. This order arose from the discussions of a military nature, whose nature and whose observations to a large group of persons I have taken the liberty of describing. The purpose was to avoid all possible injury in the Waffen SS in the future. The two experts, Nebe and Grawitz, opposed my point of view. The purely military assignment given from Hitler directly to Himmler, Nebe brought into the confidence and foreign propaganda. I want to express very carefully here and testify under oath what I know about Nebe. In the absolute conception of authority which I had at that time I had no reason to doubt that those statements were true. Nebe said that there was a crisis of confidence in the troops, first of all because the Allied troops had been given sulfonamide bags ---

Q. Witness ---

THE PRESIDENT: Will the witness please wait before continuing his evidence until the translator has finished translating the preceding sentence. The conflict of voices is difficult.

WITNESS: I beg your pardon.

BY DR. SEIDL:

Q. You say that ---

A. Himmler's intelligence man, Nebe, brought the attitude from his personal observation that there was a crisis among our wounded men and enlisted men on the one hand and the doctors on the other hand. He used the following two facts in explaining this to Himmler and to us. First of all ---

Q. Witness, I believe you must speak a little more slowly. Pause between the sentences.

A. That the Allied troops gave their soldiers sulfonamide bags. This was unknown in the Germany army. Second, that there was a definite

propaganda on the radio and the press and hand bills which were dropped, that these miracle drugs which could have protected our wounded men from infection from the beginning, these were discussed in the propaganda.

Q. Witness, these were handbills dropped by the enemy?

A. Yes, which were intended to destroy the morale of the German troops. I stated that I myself did not see this handbill but the intelligence men reported this. On the other hand I was in Spain. Then I know the two possibilities which the Allies had, that the doctors and research were not political, but that the ruthless conduct of the war and a definite war of nerves or propaganda used the words, sulfonamide, penicillin, and the lag of German science by fifteen years, and so forth, to an extent which no person actually informed about the subject would admit. That was in my opinion the main reason why Himmler asked Grawitz to report on sulfonamides in contrast to me. I mentioned the sulfonamides in my January report as an additional drug which, for example, had never had any significance in my own clinic, and Grawitz's report at the meeting was not the instigating factor but a purely technical question. Himmler had some possibilities with Switzerland which is not important here, and we received from Switzerland cibazol, which was at that time the best sulfonamide. The report of Grawitz did not have anything to do with our sulfonamide experiments except for the fact it described the problem and the efforts of Dr. Brunner who was an old acquaintance of mine from St. Gallen and Zurich also had nothing to do with experiments, but, of course, Grawitz used this reference to cibazol which Brunner had he wound of 109 wounds, 100 of which were healed purely by sulfonamides.

A. (cont'd.) This, of course, made a great impression and the bottle neck of transportation from Switzerland, of course, made great difficulty. And, the medical men, technicians, etc., who were concerned had to decide which drug was the most urgent to be introduced. But, there was another unfortunate factor which affected this question - that was the person of one of the speakers who was mentioned in all these meetings, that is Dr. Krueger. Here again I should like to state that Dr. Krueger had as little to do with the actual experiments as any other participant in the meetings, but at every meeting Dr. Krueger spoke of the best results and improvements of thirty to forty percent that were not achieved anywhere else. Unfortunately, Dr. Krueger in peace time was the advising surgeon, the consulting surgeon of the General-SS and Himmler knew him. He was, of course, not called in. He had no knowledge of these discussions but Grawitz quoted him as very important in contrast to my point of view. Then we had another unfortunate factor which made the situation more difficult, the possibility which Restock had given of blowing sulfonamide into the wounds, which were to my knowledge constructed for the first time in the special apparatus by Surgeon Doctor Schmidt of the Waffen-SS who had served in Russia under Krueger. Grawitz in contrast to my original attitude could bring very convincing evidence to Himmler that there was a possibility to use sulfonamide in a preventative way - to prevent infection in the wounds. That is the only question of transport of secondary mortality which was higher than mortality at the front - to solve all questions at one blow. Grawitz was an internist. He came directly from the front without any great evidence of what had been discussed at the meetings. I want to state expressly I do not know whether Grawitz was at the meeting or whether learned from another source. I can only say he knew about the problem: that the question of sulfonamide was brought up by Hobe through foreign propaganda; that there was no doubt for Himmler that this was the patent medicine designed to bring him out of his difficulties and that he merely wanted expert opinion from me. The questions to me were very simple. First - as I in position to undertake the

responsibility by saying it is senseless to take any great interest in sulfonamide in contrast to the opinion of other countries, the opinion of Grawitz - the Grawitz-Krueger group - because I know the question is settled or can quickly be decided by inquiry. Of course, I had to answer this question with "No." Then, whether I was of the opinion, in spite of my personal opposition to sulfonamide, because I represented a different school of thought, that in the publications of Brunner, which were shown me, and Krueger which described that, which I do not know in detail, but I know many foreign examples - whether he had to submit a sudden change was possible as one knew the manner of working. I had to answer this question with "Yes." And that was all the collaboration that was asked from me at the time.

Q What position did the Reich Physician Dr. Grawitz hold at the time? As active Reich Physician what influence did he exert?

A I do not want to fall into the error of speaking of a man whom I always combated or forced into the position where I wanted him and speak against him now when he is dead. We were able to bear him as a superior and there is a limit when a man is dead. But, I can say that Grawitz had the unique opportunity as savior of the Wehrmacht at the front in contrast to our soldiers, after becoming acquainted with foreign literature and with the remarkable capacity to understand Hitler - things that he wanted to have unsolved ---- That is how simple he thought medicine was. This gave him the victory, that was to test it with human experiments. I may remind you at this time I shall later comment in more detail on human experiments in another connection. It was so that Rascher's first experiment was instructed by Hitler and was reported to the Fuehrer. Hitler decided, which I can only quote what my chief of Staff told me. Hitler, whose veracity I did not doubt at the time, that as principle human experiments were permitted as a question of welfare of the State, but a question up to the doctor - they were protected by law. They were not given punishment. Anyone will be punished who does not carry out a military order. I merely remind you of the fact which every soldier of

the last War knows, that criticism which is made at the end of War includes that people in the last War had themselves arrested in time but committed some punishable action and then were imprisoned and could not be wounded and did not die. I can only repeat what Hitler repeated -- that there was an order of the State that some one in the concentration camps or prisoners should not be completely untouched but also German soldiers must do also the things which women and children in the homeland suffering from air raids and bombs. This was not said by the doctor. This was said by me. But this was the opinion of the Head of the State, according to Hitler.

Q If I understand you correctly, you mean to say that up to this time you have had nothing indirectly to do with the experiments?

A No. I had nothing to do with them. I shall come back to what I knew and did not know about them. But, in this discussion the fact that Hitler was ordering this experiment and that Grawitz as agency for medical care of concentration camps could not discuss it.

Q Why did you yourself at the time not suggest although you actually had nothing to do with the matter yet, that the effectiveness of sulfonamide be tested by animal experiments or medical observation of the wounded?

.. I was present the whole discussion as a surgeon with experience at the front and, of course, I expressed my opinion. The question of animal experiments was senseless. I might point out that sulfenamides had been tested for about a even years in Germany, and that only in 1944, in the last studies, was there any clarification by animal experiments. On the contrary, what we knew about infectious diseases, what great difference there is between infectious diseases in animals by artificial infection and infectious diseases in human beings - in the gas gangrene in war, infectious animal experiments, up to eighty and one hundred per cent of the cases are cured, and with kreatine, one hundred per cent; that in human beings the absolute ineffectiveness has now been clearly proved. It is not so, as I have read, that in our ruthlessness we wanted to skip the subject of animal experiments, but even today animal experiments have been able to give the directions, the connections between certain drugs and certain diseases but that any comparison of animal experiments in these infectious diseases with human infectious diseases is a mistake and leads to false conclusions. In this long time of thinking and preparations from the time when I was accused until now I have thought if anyone asks: "Why did you not test this on German soldiers in actual cases of wounds?" I did not imagine that any court would ask such an impossible question. One can, of course, confuse two things, and even Mr. Westack accuses me by saying: "In your clinic with chemistry and bacteriology you wanted to do this. Gohralt, that criminal, carrying it out on the poor Polish women without any reasons for in his own clinic he had five or six hundred wounded." One can also say, "If I didn't work in the clinic then you wanted to go to the front with special

units." But the last thing that was said, the Allied armies solved that by way of inquiry. Only the criminal men of the SS carried out a senseless experiment, which they could have solved in another way. I might point out that, for example, in peace times there is no gangrene with very rare exceptions, but there are wounds in peace time which are contaminated with earth. Peace time wounds and war time wounds cannot be compared with each other -- that is a scientific negligence. On the other hand, one can say; "If we treat wounds from the beginning with sulfonamides we must come to a solution." Comparison is only possible under comparable conditions. In ten wounds - a hundred wounds at the front there are not two which can be compared with each other according to appearance, according to the damage done. It is a false conclusion to say that one can have comparable conditions at the front, but even if it is possible to find wounds which are more or less comparable, one man has been marching for ten hours before hand and is exhausted before he is wounded, and the other is hit by a bomb in bed when he is rested. One man lying for ten hours in No-Man's Land and freezes. The secondary conditions at the front are just as different as the type of wounds. There is a great amount of literature on the American side which points out that it is not comparable; that it is not possible at the front, where there is danger, to recommend the same treatment. One man does not find any doctor at all for three days, another finds a bad doctor, another finds a good doctor. One finds a doctor of my school who attacks the problem surgically immediately and, in addition, used some sulfonamide drug. The other, on the other hand, finds an advocate of the sulfonamide theory -- had a superficial wound which can be filled with sulfonamides and this has a good effect, but if he has a deep wound with a small opening

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at the top, then the sulfonamide steps up the wound and this sulfonamide creates great damage. Therefore, a comparison of wounds, of external conditions, and of therapy at the front is not possible. That was the purpose of all these suggestions for special units and special hospitals. They had two basic requirements. One, that this specialists staff go to the front lines. Second, that the patients should never be let out of their hands again. Otherwise, the results cannot be controlled. During the whole war, in spite of the enormous efforts which the German army took, we did not succeed in getting any clear proof on this line. There remains only the inquiry. I knew more or less a statement of the American medical authorities after the war in Africa and in Europe. They had the same experiences as we did. They had to change all their therapeutic suggestions when the theater of war changed. In Narvik in the snow I was able to sew the wound up, put the knife into the snow and, as it was sterile, I could open it again without anything happening. The man in Africa was so affected by the sun that, aside from special cases, he was protected from infection. We had serious infection problems in France but we could rely on a combined treatment because the good roads and air communications could bring the patient in six or eight hours to good hospital care. In Russia in the winter it was different. Every suggestion, every statement, according to the school, was destroyed by the emergency of the Russian winter. Of course, the way of settling a question will always be by inquiry. The Chief of the Wehrmacht Medical Service always recommended that. But this way leads to a decision only if one has a great deal of time, and very reliable advisers. If I had my way at that time, with my experience at the front and my experience as a

surgeon against much younger men, we might have taken a different way. My views did not prevail. "Gymnons talking about medicine are not satisfied if one speaks of worries and long time and Fate. They want an answer "yes" or "no" immediately. As Himmler at that time wanted information in weeks, all our supplies, all our medical tactics depended on whether we admitted we could not expand the SS because we did not have enough doctors and surgeons and the interest of thousands of German soldiers was put in the foreground -- or whether, on the one hand, we were of the opinion that sulfonamide are sufficient, that one drug -- such a simple drug that even a ordinary troop doctor can take care of it. Every doctor has his little bag of it and every doctor can put some in the wound and there will be no important cases of infection result. I do not want to defend the justification of these experiments, but there was a great question of thousands of human beings behind it. I personally did not give the initiative for the experiment. I represented a different surgical point of view from the beginning and expressed it afterwards, orally and in writing, and I could not say that the question in itself was more or less solved by me, and above all, as a surgical advisor I could not say anything definite for an immediate decision.

Q. Witness, how were these experiments actually carried out? What events were decisive?

A. I expressly pointed out what enormous problems existed and what men had influence on Himmler at that time. I was only the one who had to give the clinical direction. It is important that that was the reason -- and the experiments would probably have been conducted without me with a clear order from Himmler to Grawitz through some concentration camp doctor. That was between the 22nd and 25th of May

probably. And on the 27th of May there was the attack on Heydrich. It was nothing out of the ordinary that I was called there. I was always sent out as a surgeon when any special surgical events occurred.

Q. Now, witness, who was Heydrich?

A. Heydrich was the Chief of the RSHA - the Reich Security Main Office, at the time, and, in my opinion, he was much closer to Hitler than Himmler. He was the decisive active man of the whole counter-Intelligence, espionage, enemy propaganda, and security within Germany.

Q. Heydrich was SS Obergruppenfuhrer?

A. Yes, until he was shot in Prague. I was called, as I had been called to many other cases of accidents. I came too late, by plane. The operation was performed by two important Prague surgeons and I had to control the course of the treatment. In view of the great tension and nervousness which existed, Hitler and Himmler called up by telephone every day for information and there were an enormous number of suggestions. Two were given me almost in the form of orders, to call my teacher, Geheimrat Sauerbruch in or the Fuehrer's doctor, Dr. Morrell, who wanted to use his own methods. I did not hesitate to take the responsibility and I took up a clear point of view. The two Prague surgeons had performed the operation. The shot had torn up the abdomen and the chest. They had done everything that was necessary - they operated efficiently and they also used sulfonamides. I am of the opinion that if anything can endanger a patient it is nervousness by the bedside and the appearance of too many doctors. On precise inquiry I refused to call in another doctor, even Sauerbruch or Morrell. Then Heydrich died after two weeks or so and I had to settle the details. You can imagine the situation at the time. Hitler called me in and then refused to receive me. He sent me to Himmler. The discussion with Himmler was very simple. He made it clear to me that Hitler's point of view was that Heydrich was a losing battle such as we had never experienced before; and the remark of Dr. Morrell-- it isn't that Morrell said anything about experiments -- he just skillfully said, "If ay" (that is, Morrell's) "modern sulfonamides had been administered," (for which Morrell had approval, I believe, in Vienna and Hungary to produce it in his own factories) "then maybe things would have been different." In any case the discussion was very brief. The experiments which had already been discussed beforehand were, for fantastic reasons, to be started immediately under Grawitz, and not only the preparations--the Swiss and the German ones which had been intended to be used--but also Morrell's ultraseptyl was to be tested. I myself was to give clinical evidence of my treatment and be dependent on the results of the sulfonamide experiments. My teacher, Sauerbruch took my part. He said that nothing had been overlooked and we could not comment on ultraseptyl because we had no experience with it. Grawitz had already received the order and I could only contact Grawitz on the influence which I

had voluntarily chosen, that the experiment should not be conducted by an internist or by some unknown concentration camp doctor but that it should be done in such a way that the responsibility could be taken for it at any time afterwards, that the head of the State was the supreme executive in Germany and that he had given the order. The discussion between Grawitz and me took place but I should make it quite clear here what I discussed with Grawitz. Even today I believe that I acted correctly in the situation. Grawitz consoled me for being in disfavor and said he would do everything so that it would turn out well and that it appeared to him, Grawitz, that I was right in the case of Heydrich; he could not have been saved and there was no evidence in favor of any drugs of Dr. Morell.

I was not of the opinion that the Reich Physician Grawitz, who had no experience whatever at the front, could assume the right to carry out any experiments which were legally ordered in such a way that they were binding for us at the front. There was an enormous responsibility behind these experiments. How can one have a negative result? They were the directives for hundreds of thousands of German wounded. According to my position and the enormous power which the Prosecution says I had, one thing would have been possible—to say that I was sick or to run away, to pretend that it had nothing to do with me and see how Grawitz made out. That would have been a great disgrace for the consulting surgeon of the Waffen SS if he had had such a slight sense of responsibility and had not interfered in the experiments. On the other hand I talked to Grawitz and I wanted to know how such experiment would take place and of course I had enough sense of responsibility, enough decency, to ask "Who are the subjects and how are they chosen when you, Grawitz, use, on orders?" Grawitz considered this very simple but in the whole conversation I could not bring out who the experimental subjects were and how they were chosen. I can say, under oath, that Grawitz always gave the impression that they were more or less volunteers, real volunteers, condemned persons, and that that was done by the camp somehow. I consider it a point in my favor that I made it a condition that if any experiment was conducted which was not based on medical initiative, the course of which was decisive, that then the agency issuing the order must clearly determine the group of

persons, and the method of selection; that I thought at the time, sufficient, in view of the local might behind Himmler and Hitler and that they would take the responsibility. Of course, one thing was not possible--that this decision should be made in the camp. I will later have an opportunity to explain this in detail.

I told Grawitz, "This is an experiment which is conducted without me. Yes, this is an experiment which is not done on medical initiative but which Himmler, that is Hitler, through Himmler, has ordered in July, 1942. Then, Mr. Grawitz, let us both go to Himmler, our supreme commander, and ask him to pick out the people to take the responsibility before the world and assure me that I, as a consulting physician, will have nothing to do with the selection." That they could only be persons condemned to death, that was not clear. I told Grawitz repeatedly that it was not clear how he could do it with volunteers. I will comment later in detail on this question of volunteers for large scale experiments from all the experiments which I know about. Here I shall only say in advance that in a concentration camp of course it is possible for 10 or 15 to volunteer and possibly more under pressure, under influence by being promised certain advantages without any knowledge of the importance of the decision. That was the prerequisite, that this danger of the juridical decision be shown to Himmler, and I may remind you that you have no document about the sulfonamide experiments that does not say "Inquire of Nebe or Mueller." That was the highest decision to be obtained juridically in this field. But I may also claim that after my interference these two names never again appear in the documents. I pointed out this impossible juridical situation. I never appropriated it. I was of the childish opinion that in a totalitarian State, where the authority says "I am the Court, I decide," that it then bears the responsibility.

The second important question was the matter of secrecy. I may point out that until my experiment, no experiment was publicly reported on. That was at Himmler's suggestion because he connected it with his whole tactics of secrecy around the concentration camps. On that point I made my opinion prevail. I beat Himmler with his own evidence. Himmler said "How can you take the responsibility as doctors? You are only the instruments. No, the State,

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Hitler and Himmler, we the two chief ones, your commanding officers in the SS, order this. We take the responsibility and we assure you that you are free from punishment." It was as legal as anything could be legal in the Third Reich. I said then, "I do not understand that you keep it secret. If an experiment is to have any scientific value it must be examined by the mass of experienced doctors at a congress, and must be tested at hundreds of clinics, and must become a well known term internationally, and so must acquire its moral value. It must do useful service to the broad mass of humanity."

Court I

In spite of all objection of the RSM I insisted on this point, but when it comes to my report I shall tell what difficulties I had. But I may point out that the concept of giving it to the public was introduced by me, and that I do not believe that the prosecution can prove that since that day I have kept my name away and tried to keep my name away from the sulphonamide experiments.

Now, I will come to the two concepts which only within the order and within the criticism of the Courts, are purely at the expense of the executing doctor. Here is the base of possibilities and here I agree with the prosecution for the full responsibility, that is the scientific regulation of the experiments set it for aught as thoroughly to the end. Second, the human urge to save lives. That is, that the executing physician at the moment, when for the sake of a scientific experiment, he has to count on certain death, considers security as surer before scientific considerations. I hope that this explanation can be found in a document, yet the prosecution will not bring the document in my favor, only the others. Himmler had this document with those words which I have just quoted. Then on the 6th and the 7th we went to see Himmler. I demanded by telephone, what had never happened before, that the inspector of the concentration camp, Gluecks, should be present.

Q. Just a minute, Witness. You said on the 6th and 7th, that was June?

A. June, that was June? No, July, 1942. Up to that time everything had been done through the camp. I do not understand from the Brandt notes that Grawitz was not mentioned because as far as I know Grawitz was there at the discussion on the 6th. At any case, I talked to Himmler, Grawitz and Glueck, the inspector of the concentration camp, and I again reported my point of view as I have explained it here, and as a clear distinction I said it was not on my initiative, and I had no intention of conducting any such experiment, that I could not let Grawitz carry out the experiment alone. That was not basic research. That is not a bacteriological problem. That is for the front clinical men and old clinical men. If that experiment

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is conducted it will be under my protection and my responsibility, and I will take the responsibility, and then on the first opportunity we will go to the broad mass of doctors and acknowledge what the State has ordered and what the responsible doctors have done, and to the end of our lives we will subject ourselves to the criticism of the public. I have remained more or less alone in doing this. Gluecks was not of the opinion that this could be done, because the condition came that I told them one thing is clear, I said the experiment if it begins with my name will be done only on persons condemned for whom the State has taken the responsibility and whom the State gives the opportunity of saving their lives. I did not ask whether Himmler had the right to pronounce a death sentence. You gave discussion to the legal basis of the Third Reich -- for me Himmler was the Chief of execution who could execute thousands of people by a stroke of the pen. His instrument was the authority of the Reich Office, the RSHA. I was forced to take the responsibility by name, and the people condemned to death could, of course, only be German and only men. Up to now by mutual participation it has never been mentioned, although the documents are well known, that the experiment began with 15 men who came over from Sachsenhausen to Ravensbruck that essentially according to the RSHA they were condemned to death, and that they remained alive. I believe my conditions were relatively clear. I disassociated myself completely from the selection. I disassociated myself expressly from the initiative for the experiment in itself. I do not admit the selection of any arbitrary person should be left to the camp or camp physician. I said the experiments would have to be conducted on German men condemned to death. It was actually done, and they survived the experiment, and the result since this day became known not only in Germany but in Switzerland and England, otherwise it would not have been so simple to condemn me to death. On the other hand the question of scientific execution had the human element was my field of responsibility for which I take the responsibility now.

Q. Witness, I shall go back to the discussion after the death of Heydrich, between you and Himmler, is it true that according to the statements

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which Himmler made it was quite clear that this was the execution of an order which Hitler himself as the head of the State had given?

A. I can say under oath that that was what Himmler told me. I want it to be absolutely correct. I said that I was not received. Hitler always wanted a report when I performed an operation. Himmler told me with the express approval and the wish of the Fuehrer, and the wish of the Fuehrer was a state order. He did not make a discussion of the instruction, whether Lammers had counter-signed it there, but Hitler ordered and Himmler carried it out and Himmler was my commanding officer and I was obligated by the oath which I described yesterday. I said this because I am not a coward. I could have disassociated myself from the experiment. The experiment would have been dead, and one might say the experiment was useless.

Q. In the discussion of July 6, 1942 Gluecks was present?

A. Yes.

THE PRESIDENT: At this time the Court will take the noon recess until 1:30.

(Noon recess)

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AFTERNOON SESSION

(The hearing reconvened at 1330, 5 March 1947)

THE MARSHAL: Persons in the courtroom will please find their seats.

The Tribunal is again in session.

THE PRESIDENT: Counselors, proceed.

KRISTIAN GEBHARDT - Resumed

REDIRECT EXAMINATION (CONTINUED)

BY DR. SEIDL:

Q. Witness, what were the general security measures adopted in connection with the experiments by you the one of which was, quite obviously, that whenever possible deaths or serious damage to the experimental persons was to be excluded?

A. I have made every effort coming about the accomplishment of the experiments should be described so clearly that it was without my initiative -- this is something I want to repeat -- there was no order, no personal connection, no suggestion of any type on the part of any of the gentlemen from the Armed Forces or the members of the second meeting. But, on the other hand, I should like to emphasize equally strongly that for me carrying out, as far as their scientific and human side are concerned, I feel fully responsible and I am picturing it exactly according to the reconstruction I am arriving at according to my reaction. The starting point was that right from the beginning conditions for the experiments, such as were assumed by Grawitz in a conversation with Himmler, namely, that wounds similar to war wounds were to be the starting point of an affliction were never at any time allowed to creep into these experiments by me. The second to my mind rather relevant point, is that I did not in any way discuss this plan with any of the officers, or make any suggestions and then left the subordinates to his fate. But this carrying out of the plan was my work and that I am describing is well or as badly as it ran when I am talking to you now. I think that the main security measures were that after all, one of the best surgeons of the Waffen-SS, coming from the old school, who had only dealt with other special fields, was personally carrying out the clinical

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side of these experiments. There was, therefore, no doubt to me, something which later on became a disaster concerning Himmler's attitude, that the experiments were going on near Hohenlychen. It was not my view that in such outrageous matters of colossal importance one would send a medical assistant officer off to Dachau then make an occasional inspection and then if there are a number of dead people or something wrong has gone on one deserts the person in question and says "I thought this would have run differently". You know Fischer's story, and I am sure he is going to be quite open about his own view of the matter and with reference to my influence with you, anyway you know that my old collaborator at Hohenlychen held that institute in the highest esteem and it couldn't have been immaterial to them. It wasn't immaterial to them that we were suddenly involved in a concentration camp experiment. It is quite clear that I listened to any objections. And it is quite clear that I tried to work as sincerely as possible. And it is also clear that none of my subordinates could take an order from me if I were to have assumed the authority of someone about me.

I did not imagine that we would get to the point where not only my personal reputation but that of my old institute, my sanatorium, would be at stake, and that they would be considered equivalent to a concentration camp, which we are now told was what happened. Himmler and the SS were most responsible for this point and that was clear to me at the time. Anyway, we entered into this experiment with a clear cut authority from the RSHA and we drafted instructions for the experiments giving approximate figures, and Grawitz, of course, basing himself on his pseudo-scientific conceptions, was speaking about large scale experiments. And I, on the other hand, was fighting for every man being used. I changed conditions since Grawitz could not judge the surgical side of the matter at all. And I in my capacity as a well known surgeon at the time refused to have an internist interfere with my business.

Q. Earlier on you used the word Grossversuch, large scale experiment, but in reality in documents submitted by the prosecution the figure of 205

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persons occurs which were selected for experiments according to the Grawitz plan. What is the situation there?

A. Well, actually, we had to make reports regarding the number of people one had to expect if that experiment would go on for any length of time, and we attached considerable importance to it that the RSHA should check and deliberately place at our disposal as their responsibility the right number of people. I think I can remember that at some point I had explicit information that 205 people were definitely sentenced to death had been chosen. Whether this was said in connection with the Poles, I cannot say from my recollection.

Q. When carrying out these experiments was the defendant Dr. Fritz Fischer involved; what was the reason for you to choose Dr. Fischer particularly in connection with these experiments?

A. That is probably the most bitter point of my responsibility, after the prosecution had come to the harmless decision that the outcast of surgeons and humanity, Gebhardt, had found a willing tool in Fischer. I chose the best man, holding the most important position in Hohenlychen, working on the most seriously ill patients, I chose him against his will and put him in that frightful position, and, if there is one thing I regret, it is that I asked Fischer to make that sacrifice.

It is quite easy to say a young doctor, who does not know much, should be given a chance to get to work without supervision, but that means you did not know conditions in Germany. I knew Fischer's personality and there was a station in Hohenlychen dealing with the most seriously ill patients, it was outside our hospital and it was my former ward having sixty beds and that contained most seriously ill patients who could be found in the whole sanitarium. There was one assistant doctor there immediately responsible to the chief without supervision of the Oberarzt (chief doctor). For years, and years I was looking for the right man so that my back could be covered if I had to leave. From the scientific point of view and from the human point of view, Fischer was the right man for the job. And now, someone is to try to tell me what the training period was supposed to be for that man. For three years he was a pathologist working in the biggest clinic and hospital in Berlin; he was working in a hospital with 2,200 beds and right out of this, he was appointed Deputy chief because he had all scientific, human and intellectual qualifications.

From 1938 to 1939 he worked there independantly exploiting the scientific points of the work. I would have thought that an American would understand that one would not overlook seven or eight years of progress and that one would choose the right talent for the right spot.

I had very close connections with this Virchow hospital after I had been offered to go to the Virchow hospital also in Berlin, as chief surgeon. A surgeon who had worked in Sauerbruch came at the same time with me. I was given this high position and I initiated the Warm Springs - an American Spa - at Hohenlychen with the same American condition. I visited Virchow and we had approximately the same installations. During the next years of peace, I had opportunity to find for myself the best man for that hospital and that was Fischer, whom I called to my clinic, along about that time. Fischer had worked under me for two years directly in the station only working on people who had nothing to do with the experimental prisoners.

It was under my supervision that after the three years of scientific training, training under me of high classical scientific teaching, that for one year Fischer was at the front during the same winter collapse as when I was there. He came back with the same experiences that I came back with, he knew the front, he knew our patients at home. Then I not only used my own efforts, but also the efforts of the man who was indispensable to Hohenlychen and made him use every free hour to go to the concentration camp, to the place where the seriously ill patients were and have him take care of every seriously ill patient there. The case of every report, which I received came from Fischer either orally or in writing and he also reported about his experimental patients.

Q. Fischer was your assistant at Hohenlychen, but was also SS Obersturmfuehrer; he was also your military subordinate and you were his general; is that correct?

A. Yes, that is correct. I don't know whether Fischer ever volunteered to come to me, he was recommended to me as the most valuable person from the hospital. He was with the cavalry storm troopers of the General SS and turned up with the Waffen SS and consequently was under my jurisdiction. I wanted him to become my assistant and if I took care of a man during his training period, then it was Fischer, not only because of his tremendous personal capabilities, but also for other reasons, such as his scientific out-put and humane and medical attitude. He justified my confidence at every moment. Just because it had been a decision for me, an important decision to take an experiment in a concentration camp away from Grawitz, it was because I went to the concentration camp with my own assistant.

Q. Fischer carried out the experiments together with you and by your order; that is clear is it not?

A. Fischer never worked independently by himself. There was always a question of differentiating between things I instituted. There are laws between surgeons which you have to understand and see the point. Naturally, I would not carry out a minor operation by myself and naturally I would not have done that in Hohenlychen in any case. Particularly because of the few days I spent in Hohenlychen, I had to deal with the outstanding aseptic surgery cases. I would not have dealt with gangrene cases at all neither in connection with other surgeons or myself. In order to make clear such responsibility, I always did something that is entirely customary among German surgeons, that is I carried out the first incision myself and that meant it was my operation.

That is the way I want you to see this and you can always hear from the discussion and statement of the witness that whenever Gebhardt wanted to finish up everything, there was friction with younger men. I would not say that "I am a General, you are young and untrained." I would say in the presence of all the witnesses, "I have carried out these operations on you, this is my operation and Fischer merely assisted me." But, with all the tremendous power of my authority, which passed through my person as a General and a chief of the Research Institute, I pushed Fischer and brought it to bear on him and Fischer of course had no doubt what it meant. Thus, due to Fischer's intervention entirely, it was due to his intervention, that the experiments caused so few lives.

Q. Was it your impression of Fischer that he was enthusiastic about these experiments?

A. I have already told you earlier there was considerable difficulty in my clinic, difficulties which I had to clear myself. It was incredible in the case of Kehonlychen that we, who never had any dealings with Ravensbruech, who never before or after had a visiting medical officer from Ravensbruech, who had never visited Ravensbruech ourselves, we, by order from Grawitz, whom I could evaluate quite successfully on other occasions, should be included in this affair. On the other hand, it is not a habit of generals once I make a decision that I should have discussions about it with my subordinates. I made it clear that I had taken on this order, received this order and the question now was to make sure it was carried out as recently as possible and that Kehonlychen would stand for that. That meant that I, myself, Gebhardt, would accept the responsibility, and that it was not Fischer's responsibility, is proved by reports he sent at the front.

It is quite clear and I do not have to emphasize how bravely he fought and lost his arm at the front and it only shows what kind of man he is. It shows what kind of a man Fischer was for when his arm was shot off he remained at the front with the troops for several days until after he had taken care of the 1st injured man and it was only then he allowed the amputation operation to take place. There was of course the second operation due to very serious complications and as soon as possible after that he went back to the front. Had I not forced him to be detailed for x-rays at Berlin, he would be dead now, as it was his wish that he should fall, that he should die.

3. And I now come to the participation of the defendant Herta Oberhauser in the experiments; before the beginning of these experiments had you known the defendant Herta Oberhauser?

4. I can only describe to you the impression to which I bore the High Tribunal to attach a certain amount of weight. Herta Oberhauser played a noble part and tried so decently and kindly to take care of the patients, that at one state I took notice of her when she was applying dressings. During these initial arguments between Grawitz, when it was a question when it was a question of man opposing man and soldier opposing soldier he had the higher rank, there were some subordinates who were no longer aware. Naturally, that little girl did not play a part, nor did she have any criminal instincts, nor did she try to do anything in a particularly cruel fashion. That I thought of her and how decently she acted in this desperate situation with which we were faced is something from which you can derive another conclusion, something connected with the entire disaster with which we were faced. I tried always to treat particularly decent

those people who I had forced into the situation.

Herta Oberhaeuser was definitely unhappy, she had to act as medical officer in a concentration camp, but not because she was participating in any particular crimes which are charged against her. The dominating feature was that in that concentration camp there were prostitutes ready to be chosen for brothels, there were inane people and God knows what else. She wanted to leave that atmosphere and I took her along as a woman doctor to Hohenlychen. The impression her work made on me, her presence made on me, is proved in the best way from the fact that from the civilian department she was transferred to the women's and children's department a department where she had to take care of about 160 people. She also became the doctor of my family and my children. Had I had the impression that she was acting in a particularly reckless or criminal manner, I would not have called her to that position nor if she had reminded me of anything which I myself did not consider to be quite correct. She had excellent training over a number of years. At some point her department had detached her from service, then the duty of secrecy was imposed upon her and these special duties did not allow her to leave the concentration camp had it not been through us.

She was the station doctor attached to this experimental station which we had especially created for experimental persons, but she only becomes visible when we start being concerned with women. She helped us reliably and decently, and most of all she had a staff of Poles working for her, something which seems to be forgotten somewhat by now, namely, that there were a group of Poles who quite happily collaborated with the Germans. The nurses and the sisters were Poles, and the head sister, head nurse was German, so that as far as I could judge the position, and also during the subsequent period when she had this confidential position at Hohenlychen, I considered her to show great signs of human decency and reliability.

Q Defendant Oberhauser, therefore, was seen by you for the first time in Ravensbrueck after the experiments had already started?

A Yes. Quite certainly she was not there during the beginning initial period of the experiments because they were concerned with men and then later at some stage a women station was created, and it was at that point at which she became the station doctor.

I can remember that whenever I was applying large dressings myself Defendant Oberhauser somehow seemed to be there in her capacity as the ward doctor who received her instructions through us.

Q Did Defendant Oberhauser participate in any conferences which you had with Dr. Grawitz or any other medical man or high-ranking officer of the Waffen-SS dealing with such experiments?

A Certainly not. The whole situation was that all preliminary discussions or plannings, as you might call them, were merely discussions which she had with me alone. The carrying out was my responsibility and Fischer was my assistant. The ward medical officer was Oberhauser. Therefore, we talked about the taking care and the therapeutical effect and any possible incidents, but the discussions, the arguments between Grawitz and myself were such that if there were witnesses, then it wouldn't have been subordinate officers and certainly not a woman. Any inference of participation on Herta Oberhauser's part is out of the question.

Q Defendant Oberhauser was actually working on venereal diseases and skin diseases?

A Yes.

Q When carrying out these experiments, did you have any personal or scientific interest in the women?

A No, not at all. I don't want to say the wrong thing, but I think she probably didn't appreciate the real meaning of our work at the fronts, and certainly I wouldn't have taken steps to communicate it to her.

Q Defendant Dr. Oberhauser has been accused that she hadn't taken sufficient care of patients, and one woman witness stated that when she came to after an anesthetic, she had her face slapped by Dr. Oberhauser. What are your observations in that respect, and what can you say about them?

A I hope that the High Tribunal will give me an opportunity to deal with the question of observations made and judgment passed by concentration camp inmates. There was the spiritual infection which would be in existence in such a case, and there was the question of passing on rumors. I do not believe that the situation was such as described by Dr. Mazka, namely, that when I went there, every thing was in order, and had deteriorated when I left. It is a little too difficult to reorganize everything, because, after all, nobody knew the times when I would come. For instance, when I had to go to Stalingrad and had already checked out of Ravensbrueck, my worry and concern made me turn around, and once again I went back to the camp in order to see if only that part of the experiments was continued which was justifiable for the brief period of my absence. Therefore, I would have had to see it if any particular change in conditions had been made during my absence.

With reference to the details such as they have been described here, I want to say that it is a most peculiar affair which would never be prevalent in any judicial or illegal picture, that the person who has suffered, has been operated on, has been sick would not only say what happened to him, what he went through, but would also speak about the value

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of the operations. Every thing that happened in connection with the operations would describe the case history, in fact, would give an expert opinion. I have neither the right nor the intention to criticize these poor women personally. I am perfectly convinced that they were trying to be as honest in speaking, as honestly as they knew, but I would like to point out that now after three years, and under the considerable pressure of the press and the journal situation, private interrogations, they would give just that picture of the situation which is now an actuality.

No, of course, as doctors know that there is no greater chance for misinterpretation than doctors' actions being described by laymen, and this question of hitting someone after an anaesthetic is one of the most typical examples of this. Whatever literature you read about the problems of anaesthetics, you will always find a chapter, at the end of which it says: if someone recovers from the depth of this sleep, then he would usually misinterpret the person or over-estimate the value of the person whom he finds that he is faced with. You all know from literature the tremendous worship which suddenly makes the anaesthetic nurse appear as the operating surgeon or some frightfully important person, or which, on the other hand, when someone is just coming back to consciousness, while his tongue is sticking to his gums, that he cannot breathe freely, will suddenly start shaking himself in fear of suffocation, and then, of course, there are the first reflexes of coming to his argument with an egotist. It is cheap to consider that sort of thing implicating a tale against a woman or to have statements made that faces were covered. I would have taken a job away from any assistant or doctor at Hohenlychen if he had allowed a patient to watch a dressing being applied, and if an accusation can be raised in this connection, then it is that that was not carried out severely enough and strictly enough.

You all know that if a person is suffering and facing his diseases without justified criticism and when they suddenly see an operation scar or some blood escaping or a piece of detached flesh, then that will impress itself firmly in their minds as the dramatic point of all the happenings in question. Therefore, does the patient not only wait during the dressing, not only does he shout, not only will he become excited and impede the progress of the dressing, but he will also psychologically be under pressure, and it underlines the fact that the laws of decent clinical treatment were applied to us in the concentration camp, too, when we find that they were so covered during the change of dressings that they could not see their own wounds. As far as to, all these are instructions based on ly schooling and not realities committed by this little woman.

Q. Was Defendant Dr. Oberhauser independent as a doctor at Ravensbrueck or was she subject to the instructions from the chief camp and station officers?

A. She was the lowest back-room girl in this military table of organizations. I know how difficult I found it to get her out of there. After all I had a whole staff of officers, and somehow she as an expert doctor was attached to this staff for venereal diseases naturally fully subordinated to the lowest camp doctor working there.

Q. What work did Defendant Oberhauser carry out before the experiments in connection with these experimental persons?

A. I have emphasized it strongly, and thank God this is something which can be proved clearly by individual statements made by witnesses, that we had nothing to do with the selection, that these people were called up according to a nominal role which had been compiled elsewhere, but, of course, we wanted to know whether there was not a patient who had additional diseases who had come into this infection experiment. I didn't have anybody better to carry out examinations of that kind than Oberhauser, and it is not right to say that every person in Hohenlychen had been carefully examined by specialists six times before they were operated on, but it is, after all, a place where the fact that every

witness states that she was either x-rayed or that her heart and her lungs were checked, and that even for one or two days her temperature was taken before the experiment actually started, that they were bathed, that the legs were shaved before the cut was made and that drugs were given them. If you always take the fitting pieces of all this testimony, then you will show that these clinics were taking care of just as much as they were taking care of at Hohenlychen at the same time.

Don't forget we weren't in America; we didn't have money and time and medical officers in abundance. I had no choice; I had to deal with 1,000 to 1500 people in case of an epidemic in Hohenlychen, and I had doctors to take care of two hundred patients. I myself had to fly back and forth in order to be able to assume my responsibilities everywhere, and that, of course, was the case in Ravensbrueck, too.

At any rate, if somebody was operated on and not previously examined at the last point as is now wanted by Democrats living in a peace period, then it is my fault; my collaborators did what they could considering the lack of time.

Q. What was Defendant Oberhauser's part in actual experiments and operations?

A. I can only tell you that if I was there, Oberhauser was never there, or, at any rate, she doesn't seem to be there by recollection. In each group I would look at the beginning and I would watch the decisive change of dressings, and in no case could I carry out more in the case case of any individual station at Hohenlychen because it was impossible from the point of view of numbers of people. All I can remember in the case of Oberhauser is that she was present when changes were changed, that she came along with the patients, that she was taking down the type of medicine that was to be given them, and that was all I can remember. Whether and to what extent she assisted Fischer, stood by during the case of an operation, please

don't ask me to give you that during my testimony now considering that in the meantime I have dealt with thousands of wounded men in other places.

Q The experiments for the trying out of the effect of sulfonamides was carried out at Ravensbrueck, weren't they?

A Yes.

Q Please, will you tell the Tribunal how this sick bay was equipped, and what the conditions were from the point of view of hygiene and the medical point of view?

A Oh, we have had all that. If it was said that a station at Ravensbrueck was as good as a field hospital for German soldiers, then we were told that that was lies and cowardice on our part to say anything like that. Well, that isn't my view. I don't think that in the case of a well-run station the medical side must necessarily be well-run. It is, in my opinion, correct to say that a good doctor should be capable of improvising and should be capable of operating decently in a hayloft or in Russia in a field. What we did take care of was that things were started well in Ravensbrueck. I can say under oath something which has been repeated here in spite of the tendency which creeps into these stories that in the case of gangrene that there was an operating room for gangrenous infections and one for not gangrenous infections, and in 1942 that was something which fifty percent of hospitals in large German towns no longer had, and in the field certainly never had since it was quite impossible to separate these two types of operating rooms. I knew that operating rooms were decently equipped, but I had the same objections which any surgeon would have operating on foreign soil, that I didn't know the material, that I didn't know the personnel, particularly because they were Polish with whom one was working together.

The x-ray assistant who was working with Stumpfegger was Dr. Mienster, who was well known to me. There were four Polish nurses working there, so that the situation was that we decided that for the really decisive matters we should bring along whom we could possibly bring along, and the things which we brought along were medical supplies and, to my knowledge, some laundry and other things which were needed, and of course, surgical instruments.

Q The sick bay had also been established with a modern radio, is that right?

A If I remember correctly, that was the only thing we brought along, but I may be wrong, and either the x-ray equipment wasn't there or it was inferior, so that when we asked for it, a certain amount of equipment was supplied, and I think the x-ray equipment was among that.

Q The initial experiments were carried out on professional criminals from the concentration camp Sachsenhausen, I believe, people who had been sentenced to death. How many people were that?

A I have told you what the instructions were with reference to the experiments. We started with people under death sentences and repeatedly I had the assurance that my conditions would be applied, and to my knowledge on the 12, 13 and 14 of July, approximately, there were three occasions when five people were dealt with in a preliminary experiment.

Q These experiments were also carried out in Ravensbrueck, weren't they?

A They dealt with men coming to Ravensbrueck from Sachsenhausen. In Ravensbrueck, they were kept in some small camp outside, because I do know that dressings were applied outside the women's camp, but that they were brought in for the operation and that there was a separated section in the women's sick bay, something I also know. Also the actual operations took place in the same department in which the others took place but I think the dressings were changed outside the camp and there was a perpetual traveling back and forth.

Q And what was the detailed instructions which you gave?

A These instructions were quite simple. We had a clear cut order. Certain preparations, the value of which was for the work at the front, were

to be checked quite from the beginning. We had orders to test the preparations zibazol, ultraseptil, Dr. Morrell's preparations, and the most important German preparations, then eleudron and katoxin, which always plays an important part, and which is considered a most modern preparation, and that is a preparation which I thought most promising because contrary to all that it did create oxygen in the wound, so that we could assume that even if the gangrenous process did start the oxygen which was accumulated would prevent repercussion. Unfortunately that preparation kept the least of the promises; and on the other hand there was a fight for wounds of a nature similar to war wounds or for infections which gave a picture similar to war wounds but which were created in quite a different manner, and now we are being accused particularly that we had inflicted wounds. Apparently were supposed to have been so brutal as to have opened a small piece of tissue by means of a knife. As an illustration, of harm done by infection I experienced that, the witness Martin in the last trial had been vaccinated, and then went back, and got dirty in the camp and gangrene killed him in spite of two operations which I carried out. Naturally the situation is this: If I make an injection just haphazardly without seeing the texture of the flesh, then I risk subsequent bleeding and I don't know what the wound conditions are, and with a very small incision I might be very lucky, but I might be very unlucky. To the surgeon there is nothing more harmless and clearer and obvious than the plainly visible wound conditions of a straight cut which will heal up afterwards given the necessary assistance. Seeing the wound condition to a surgeon is the most important of the whole thing. We certainly used the conditions which would produce war infections, that is, to see the infection bleeding and then produce gas gangrene, and now we are being criticized from two sides. Some say "Good God, you used gas gangrene? What a dreadful crime. Anyone who is touched by gas gangrene is in danger." That is stupid and it is untrue. The Brunner publications will show you or any other publications will show you that there are carriers of gas gangrene who never have been ill with gangrene, so that mere contact

with gangrene does not mean a person will suffer from gas gangrene, only a layman will say that, and then, of course, there is a point of view of the expert: "How can you make that sort of an experiment. This is only for human beings, because if you don't have tissue which is already destroyed, then gas gangrene can never happen." That was the point of view which was correct until about 1905 and if a student in 1906 said that during an examination it was incorrect. I suppose the real situation is that gas gangrene can be caused in two ways, either a tissue is without oxygen and fresh air entering into it, and this can come about in two ways, and this is most important with reference to the instructions I gave for my experiments. Once, if a tissue is eliminated from the nourishing process which I will deal with only in part and perhaps later on I shall have to spend a half an hour in dealing with the theory of the cutting off of tissue, but anyway only if there is a partial cutting off some tissue will die and be short of oxygen. The way in which gas gangrene really comes about is this: Through a change of pressure. I would cut myself somewhat and my hand would be infected with gas gangrene. If I move that hand, the germs will move into the muscles there, and if I hit it against this piece of wood as I am doing now, and make quick movements of some sort, then the muscles will contract and then expand, and different pressure conditions will result. At one moment the blood will circulate freely because they are resting or moving rhythmically or there will be an absolute cutting off of circulation because during a quick movement I have caused the pressure to be altered, through this change of pressure I have lack of oxygen or free oxygen in the tissue, and these are the conditions causing gas gangrene. This gas gangrene will exist particularly, if apart from gas gangrene, there are other bacteria prevalent, because these germs such as streptococci and staphylococci, and other ordinary infections, in other words will eat up all the oxygen first, and would quickly create a high type of gas gangrene, which you will only have at last to deal with. In other words, in modern therapy if I may quote Densen and I will say something quite clearly which I will submit in my second document book. It is never recognizable with the naked eye to what extent these germs penetrate

into the tissue. In other words, the inflammation and liquid which emerges as a result of the death of the tissue and the death of the cells in the flesh or the dissolution of the muscular tissue, are consequences of the toxic effects and not the results of mechanical momentum. It is just exactly the other way around. Serious damage to the muscle is, therefore, not a necessary prerequisite to gas gangrene. Generally, they are the results, the outcome of it. The decisive question, therefore, which I am faced with is this: What is the more harmless or more secure for the human being? Advancing step by step after the partial exclusion of the breathing process with perfect quiet for the tissue, or some sort of infection and movement and alteration of pressure conditions, which I am not capable of controlling, and smear it with something not hygienic, and gas gangrene will ensue, maybe in a joint, maybe anywhere else. This was the decisive question in my instructions for the experiments. I want pictures similar to gas gangrene, this mixture of gangrene and not gangrene, that is what I wanted, and so if a serious case history would develop I wanted that it should occur at an accessible part of the body, to which I would have access with all power of surgery. I want to clarify this joke of "controlling persons", I do not know how they were in the case of others and I do not wish to pass judgment on it, but, the texts of 1944 for preventative treatments of wounds say, that is is the decisive means we have in the battle against gas gangrene.

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A. (continued) No doctor in the whole of Germany is guilty all once in the case of gas gangrene if he is not giving sulfonamide. But, if he does not put the man on the operating table and does not recklessly sacrifice, by means of operation, all of the muscle tissue then he is guilty. If he decides to inject serum here that is a matter of medical views. Any way, as far as our control persons are concerned when we began our first experiments we had people there. We had 15 men who exposed the wound, apply mixed infection, and then we gave the sulfonamide as he been ordered. Persons might say that you couldn't really expect a proper infection. That is quite true. However, it is an old custom about surgery, that if you proceed on strange territory without the hygienic conditions, and start operating, if you take germs along -- which one must -- and of such an strength. Then any responsible surgeon will plan experiments in such a way that first of all he will try to become clear whether there may be actual danger of sepsis. This preliminary experiment involved 15 persons and showed that the density which was expected was correct. There were no other germs involved, as tetanus. And that during operations no dirt crept in, so that we were carefully stumbling through the experiment slowly step by step. I considered that previous experiment was justifiable.

Q. Which experiment was that? Was tetanus not used in some of these experiments?

A. No tetanus was never used. You know the way the problem occurred in Germany at the time, namely, we knew sulfonamides had no effect on tetanus, and the tetanus problem in this war had been fully solved. Not in one of these reports would you find any long winded discussion about therapy with tetanus needing any changes. We neither artificially created tetanus,

nor did any tetanus ever crop up through any accident.

Q. These fifteen male experimental prospects we are talking about, did they suffer any permanent damage to their health?

A. I have told you that they suffered no damage, and were all right after a brief period.

Q. Well, they why were experiments on professional male criminals not continued?

A. Now we come to some circumstances where we should see a sudden complete change against any suggestion or agreement. I was hoping that the thing would just carry on and that the second actual group would come about approximately during the second half July, after discussing it with Fischer. He was near there, my conscientious Fischer, came to see me in sick bed and said, "Chief, in spite of your orders I did not continue work today. The experimental subject who was brought in the operating room under anesthesia, was contrary to our orders and agreements, a woman. I was informed that they had been ordered from above which considered the harmless character of the experiments justified that from now on the work was permissible on women." It is Fischer's merit that he reacted right away at once, did not carry out any work and came to me. It is quite possible that there was a heated discussion, I can't remember the details. I may have said leave it to me to solve this out, you are an officer. At any rate there was a stop to my knowledge of the experiments until the middle of August, approximately a fortnight, and during the fortnight I visited those people who had carried out this complete alteration of my suggestion. First of all I went to see Grawitz. Grawitz gave me vague information, then I spoke to Nebe, Himmler, RSHA, and he mentioned often that after consultation with Himmler it had happened the experiments were changed completely. I am convinced to say that the reasons were

on one side that it was so difficult to bring men into the women's camp and also to observe secrecy. And I am convinced that through reports we had to give Himmler, Himmler, received information that the whole thing was so harmless, and I am also convinced that Grawitz himself aimed at breaking relations which would enable him to carry out experiments as well. But Himmler decided it with him the breaking of our agreement with indignation. The point of view adopted by Himmler at the time was this: first of all he had come to the conclusion that I was spending too much time and becoming too apparent in connection with the matter. Instructions for the experiments were quite clear and the matter should be allowed to go through and not at all necessary that I should cause an upset. Secondly, he also pointed out to me that these apparently obviously harmless experiments carried out according to plan meant a great reprieve for these people and would be applied to Polish women there, who clearly had been condemned to death already. During those long days I examined the question again and again -- whether it was wrong that I should have listened to Himmler's trends of thought and then proceed in the manner which I will shortly describe to you. Of course, it is very simple to look at the end of the story and to say -- these poor, brave, valuable women were here infected by a criminal with gangrene and operated on in a disgusting manner. That is not the starting point. The starting point is the fact that women had been sentenced according to martial law, as is customary everywhere. In connection with this, this question I leave open -- which German authority was responsible -- that is not known to me after committing acts of sabotage. As a man and doctor, I find it frightful to see women sentenced to death. After the last war and after this war, I

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in Hitler it is one of the greatest disgraces that women should have been utilized for the purpose of war, that women should be introduced as intelligence agents who through their work were responsible for the deaths of thousands of German soldiers or other soldiers. As much as I loath war I have never seen it, however, that that power which is then endangered by this would not proceed recklessly and bring anyone to death who would act as an intelligence agent at the rear or front of the fighting. I think that should be the basic point of view. In this manner Himmler described these women to me. I do not doubt they were wonderful patriots who risked their lives as patriots in war and Germany in some way made a decision.

It would it be right to say that they were only highly valuable people. I am quite sure that the majority were, but there were instances where there were people who would work for both sides - for this side and the other, and would supply material against us and then they too were sentenced. There is a great difference between extreme nationalism and the cheap patriotism that was for sale and that always placed power on a state, a power to proceed with strict measures. At any rate, I had no doubt, as Himmler said, that these were women sentenced to death who had no chance only, and there seems to have been 700 or 800, I don't know. At any rate they had no chance for survival; namely, if they survived one of my experiments. Was that so impossible an assumption in connection with these women for these experiments? Of course, this question of volunteering - that is a matter of emergency. Whenever someone has quite definitely and finally been sentenced to death - someone who is young - and suddenly has the chance of being operated on by one of the finest German surgeons and then have sulfonamide applied to him and all she sacrifices is a group of muscles in a leg and survives otherwise, surely I had the right to assume that women would make such a decision. The other question, of course, is what was the chance of reprieve and that is the great question in all the further developments. But here too we surely are entitled to a basic viewpoint - that I was told by my commanding officer how he, as the executive power, was planning this. That it did not depend that much on him - that is the other question. They were given a chance to survive, but a question of reprieve, that was subject to a political question. It was subject to their loyalty towards the German state. As far as I know, three of them signed such a document and they were settled in Sudetenland Germany. One has been repeatedly mentioned here. The others were enthusiastic patriotic Poles who remained in the concentration camp and they never allowed themselves tempted into freedom on Germany's side. That is the entire problem of collaboration, all these matters which are sufficiently known to you in this war. Perhaps I may say that in 1943,

during my public appearances, news went through that these intelligence women were in touch both with the British and Russian sides, according to their political views, and from that moment on they no longer had any reason to keep on good terms with Germany and quite deliberately acted as Polish women of the resistance and went on that way, and I do not believe that you can possibly hold it against me that the situation was that Himmler obviously had decided to use Polish women for these experiments and I could no longer refuse. On the other hand, I was again at liberty to stay out and I am now convinced that the greatest inordinate was attached by Himmler to the fact that my name should not be connected with the matter any more because I was in touch with people abroad. He probably judged me correctly and knew that whenever I could I would talk to everybody about the experiment, but I do not believe that he meant to say that every Polish woman would be killed in this experiment. That is not what he meant. It was just the other way around. I am sure that Himmler wanted to make an example of 200 women, but, on the other hand, wanted to give them a clear cut chance of getting through and getting over the whole affair. Any I remind you that this was all taking place during the difficulties we had after Heydrich's death, and during the time of the most serious political and military events. I am therefore still of the opinion that we are not concerned with volunteers but that the situation was not as these Polish women are describing it now according to which they could survey the entire political situation at the time, but as I am speaking under oath, I will say that during the contacts we had, there was not one occasion when a Polish woman stated a desire to make a complaint to me but that we just passed by each other without any such exchange. But I must ask you if I may describe the conditions in such a way to make it clear to you that it was obviously credible to me that these women were using this one chance to survive. Anyway, there is no doubt that the experiment would be carried out - that Grunitz was in charge over the whole affair, that I had given him the plan for the experiments, but that it was easy for him to give the whole matter a

perfectly harmless appearance in his reports. That, in my decisive attitude to Himmler I had again and again asked the same question: "Is this experiment going to be carried out?" and the answer was "Yes." Then I said: "Right, it will be carried out through me with my medical responsibility."

Q Witness, you have stated that the experiment would have been carried out under all circumstances even if you yourself had left. Would the instructions have remained the same if Reich medical officer Grawitz had given them?

A No, definitely not. That is just the difference between Grawitz and myself. Grawitz was after speed and after success. Do not forget that Hitler is in the background all the time and that a decision was expected before the beginning of the new winter. The experiments had to be completed. A decision was wanted and it was only possible if our wounds were created. I am convinced, as I mentioned before, that without me not one of those Polish women would be alive. It can't be proven to me that the course would have been different. I went in to Hohenlychen with my knowledge, ability, supported by Fischer. That was the guaranty that, apart from three, those Polish women survived and they remained alive afterwards and did not disappear because they might become publicly apparent. I made it perfectly clear to Himmler afterwards what it meant that foreign countries know that those Polish women lived.

Q Did you yourself, Dr. Fischer or Dr. Oberheuser have anything to do with the selection of these experimental persons?

A No. Of course, there the same conditions apply. Fischer had nothing to do with these matters, I had nothing to do with these matters. These women were selected and whenever possible Oberheuser would make a preliminary medical check and if ten were selected and one was sent back, then there were nine and the experiment was carried out.

Q Was the selection itself carried out by the R.S.H....?

A Yes, right from the beginning the selection process was such

that you know there was a large number. I think it was always the figure of 205 which was mentioned which would have been shot under all circumstances.

Q The experiments were carried out on Polish detainees in such a way that first of all three series of experiments were carried out on three groups of twelve persons each?

A What I wanted to solve by means of this second experimental group was the task given me in my orders. Namely, the checking up on the drugs proscribed. It was similar to gas gangrene cases so that if there was anything in the sulfonamide drugs which I had reason to hope, then the advantages connected with one or the other drug would become apparent and I would be able to discontinue the experiments. Of course, I couldn't stop at the initial instructions. Now, I really had to go over to an infection - localized and clear cut - and for that there is an internationally known instruction which we didn't invent dealing with locus minoris resistentiae - that is to say, the place of least resistance where germs are combined with contact substances. So it wasn't that we inserted dirt, glass, or sand cruelly, and soil particularly, which, after all, is the representative dirt in the wound, was replaced by sterile glass, silicate - chemically speaking, soil and textiles which entered the wound were replaced by us through sterile cellulose - finely ground. You all know that if you cut yourself with a non-sterile piece of glass, inserting it into a wound, and if you do not move the spot, then that glass will heal inside without any special symptoms. The only purpose it has is to act as a catalysator for the germs and to produce obstacles for clear and easy blood penetration and to possibly damage a few cells slightly. In other words, to produce inflammation in the safest and most definite way possible for such an experiment. This is the clearest scientific thought in this sphere. We proceeded in just that manner and we, in addition, gave ourselves nitrofurantoin, clovudron, sulfonamides and nitrofurantoin, given to two comparable persons who, however, were not without protection because they were taken care of in the old established way.

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Now, don't you go along with the suggestion that I had to know the prescription regarding sulfonamide introduction? Any such plan should always be considered bad medicine because it is no longer anything original. One thing is characteristic however with sulfonamides and that is that you give a terrific dose - a big dose at the beginning, and here there is a question of whether it is correct to start orally, to start intravenously or to have it eaten. One might mix it and everybody will have a different combination and that is just what we did. I would be a bad scientist if I would write down for you that I know exactly what happened after the third day. It states expressly in Thomas' statement that any scheme - any pre-arranged tables are mistakes and that, even today, we do not know the correct way for application of these drugs. It was obviously clear that there was a strong impression made by sulfonamides and, even in the first group, we were astonished to find a certain result; that the idea as such is useful but not for practical purposes. Amongst other things we immediately and simultaneously inserted into the wound a mixture of gauze together with sulfonamide powder. That was the only exception made in the first group and that didn't produce any results. Now, if I were a bad scientist then I would have assumed that that, in itself, was a success. Whether it was the ultrasepsil or whatever we were using. I would have considered myself satisfied and I would have said everybody is going to take a little bag of sulfonamide along and immediately powder the wounds with it because we knew that if they are both simultaneously inserted into the wound - the gauze and the drug - then there will not be an inflammation. Certainly only in complete ignorance of wound conditions and war conditions one could adopt that point of view. The sulfonamide bag has its greatest disadvantages, that a man who is badly shot who isn't in a position to act, he would be lying somewhere badly wounded and not be able to do anything. On the other hand, of course, the position is that the surface of the wound can easily be powdered by not its lowest

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crevice and depth and we know particularly well that sulfonamides have,
when employed thus wrongly, caused great damage.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

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THE MARSHAL: The Tribunal is again in session.

Q. Witness, before the recess you were speaking of the instructions for the first series of experiments of this 36 persons have you anything to add?

A. The second group of 36 women, consisting of 3 times 12, they were always ordered 5 times 2, as I believe I have discussed in the last session, and were the experiments from which expected success. Unfortunately, only local abscesses were caused of a limited nature. By abscess I understand pus surrounded by membrane. There was no outward excess of any sulphamylamide drug. We had one important result wherever germs and drugs were found together in the fluid one can speak of complete sulphamylamide success, a result which never existed at the front and during war, especially in the case of abscess, because abscess is surrounded by membrane. We had sent in a temporary report, because we were under pressure of events and absolutely had to have some result. The result was so unsatisfactory that on the one hand, I had to say that the experiments were not quite adequate, that I had a result from sulphamylamide therapy, but not for the front. On the other hand that I could not reject all the drugs, because the rivalry was not clearly settled in view of the limited nature of the experiments. I was attempting this below the line of abscess to not endanger any lives. This report was sent to Grawitz and Stumpfegger, who was with Himmler, and so forth.

Q. To make this clear, the first group were the 15 men?

A. Yes, the 15 men in July.

Q. The second group was the 36 women, 3 times 12 women?

A. Yes. Infection, plus contact materials.

Q. Is it true that the Reichphysician SS, Dr. Grawitz, on the 3d of September 1942, in inspecting Ravensbruck demanded that the conditions had to be made more severe in order to make conditions similar to the field conditions?

A. At the beginning of September, on the basis of my report, I was called on for an opinion to Grawitz, and to report on the results which might be

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expected. Grawitz, and as I shall explain later, Stumpfegger, in the beginning of September, came to me. Since Grawitz was coming to Ravensbruck and for that reason I turned up on the same day, so that Fischer could demonstrate the patients under my protection. That is the impression which the testimony of witnesses gives repeatedly where they have to wait for a time, and I say these are the patients whom I operated on. I assume that was all on the same occasion. Grawitz was able to prove to me that the infections were limited and not of a war nature. And he was able to prove to me that I got not any clear medical information, only assumption, and what clinical conditions resulted might perhaps be expected. For another reason the argument became rather violent. Grawitz turned to Fischer, who presented the cases to him. He gave the discussion place --

Q. Please speak more slowly, witness.

A. -- and then he said unfortunately that war like wounds had to be used, that a shooting infection by earth and material cloth. Of course, I did not accept these conditions and I looked for a way out to get the experiment into my hands in such a way that either all safeguards a higher degree of infection might be obtained, and cases might still remain under my control. I did not want to give up and say I did not reach any conclusion, so that the wounds similar to war wounds would be created somewhere else. And so we came to the prevention of the third group, and that is a matter of least resistance in the matter of international experimentation technic.

Q. You did not carry out the order then?

A. No.

Q. Then how were the experiments continued?

A. In war like wounds --- And we started our own technic, the infection at the outer side of the calf far from the joint, where it is not under pressure, where the cast does not hurt it. In other words, we chose the most suitable place, after all medical considerations.

We injected in a place where the bleeding had been reduced and where the circulation of the blood had been reduced. Since this blocking off of the muscles has been called such a horrible thing, I shall further describe briefly the purpose and the effect of this blocking off. The incision in the muscle is about the length of a finger. From these muscle fibres, which have the thickness of a finger, perhaps the thickness of a pencil or a little less; in the middle fibre, at the top a loop of catgut is applied and at the bottom. The whole sides of this center part are in the circulation and the so-called collateral circulation. If one says a piece of muscle is eliminated completely by tying off the center from the top and the bottom, that is false. One wants to prove that the sulfonamide could not leave the center at all, because there is this loop of catgut at the top and the bottom. One forgets that the blood comes from both sides. The increased quantity is the focus of infection in the center area and do nothing but delay the access of the blood and limit it. It does not stop the blood completely and this is not permanent because the catgut dissolves and is affected by the infection.

In every text book for experimentation one finds this listed as the most favorable way of interconnecting the blood circulation, a part which regulates itself. The consequence is that in this center strip the center strip is not nourished as well as if the blood came from all four sides. Consequently, I can determine almost mathematically where the most serious damage in the whole wound will be. I ordered and directed the infection for it is immediately accessible to operation. If an experiment is thought through to the end at all, then it was in this aspect the safety measures were introduced. Just as I had taken the first group without contact material. In these cases I left the contact materials out completely so that there must not be any accumulation of effect on something which I had not done previously. On all the experiments I had operated the bacteria, the banal infection of streptococci and staphylococci, I had put in first in a group without gangrene. I have already explained it was that when the joints of

are all together that often appears, that they eat up the oxygen and therefore gangrene is especially prevalent. I spread out my method of infection and introduced the greatest measures of security possible. I am convinced that there was no better way to come to this limit or level of infection with gangrene symptoms, with less danger than with this series of experiments since from the very beginning abnormal special conditions had prevailed, which never happened in any normal wound.

From the very moment of infection when the wound is inflicted, the experimental subject is in a plastic case, completely quiet and he does not have to go to a doctor downstairs and wait under normal conditions.

Q. Witness, how many persons were in this third group?

A. This was two times twelve beginning in September were the harmless infections and in November or sometime late in October or probably November was the period for the group with gangrene. Twelve for the tying off of muscles and twelve for gangrene. It is not so that everyone gets gangrene who is in contact with germs and I did not have to get serious cases of gangrene, there are transition cases that are locally limited which have a certain tendency to develop, which can be dealt with if one is able to operate and sacrifice the muscle. Unfortunately the element of fate stands above all medical action and sometimes in contrast to all calculations; three people died.

Q. One witness has said that osteomyelitis was caused artificially; is that true?

A. Osteomyelitis is a disease of the marrow of the bone and to cause that artificially is one of the most difficult problems an experimenter can undertake. The first assignment I had was to create an artificial infection in the bone marrow and none of us succeeded in doing that. The bone marrow is such a defense system, the infection decreases. Unfortunately, however, osteomyelitis occurs from outside, one can see that on the picture of serum very well, that an abscess presses on a muscle for a long time and injures the muscle, attacks the periosteum and then goes through the small channels into partly deep down. These things become dangerous only if

they effect the joint and destroy the joint. If I would discuss the individual cases of the patients who have been brought here, I can show that not a single joint was damaged. Out of seventy five people minus twelve had to do with gangrene.

Q. Were you of the opinion in the new series of experiments, those ten or four subjects, that the experiments could be conducted without fatalities?

A. Yes, of course. Whatever I said at every Congress was proven and the infections were under my supervision from the very beginning. The only real objection to the way they were carried out is the fact that in surgery there is no absolute system of nature, and suddenly an infection is carried somewhere else in spite of all precautionary measures.

Q. Then you are of the opinion that everything was done that could be done according to experiences of medicine to control the wound infection?

A. I am absolutely convinced and in reviewing the experiments, I shall take the liberty of pointing out this single point, which I consider important that up to now no scientist has proven to me that in my doings I was negligent even to the slightest respect and that in my own conviction as a doctor, I am convinced that I controlled the cases and that is if gangrene occurs and I interfere with the methods of surgery, I am not afraid to sacrifice muscles, to give blood transfusion, and add serums so that I can stop this infection. As far as there is anything certain in surgery, in all the preparations which we made, and I shall come to this point when I describe the points when I come to the lists and curves, it says when they were given sulfanamide when the incision is made, when a second operation has to be performed, when the cast is removed, there is drainage and the counter measures were stated as modern serum was given and blood transfusions.

No German soldier and no private patient was treated differently in case of gangrene at Hohenlychen and I take given me these three deaths on my conscience.

Mr. McHaney: If the Tribunal please, I would ask that the witness be instructed to speak in a lower tone of voice. The listeners are apt to be influenced more by what he says than the volume in which he delivers it, and we have some difficulty keeping our attention on the English translation when there is such a large volume of German coming from the witness himself.

THE PRESIDENT: The suggestion of Counsel for the Prosecution is, I think, somewhat well taken. If the witness would speak in a lower tone of voice and considerably slower, the translation would be much more satisfactory.

BY DR. SEIDL:

Q. Witness, please keep your answers in such a way that they can be translated in respect to volume as well as speed.

Now if I understand you correctly, you were convinced that the infection could be controlled because the camp Ravensbrueck was only a few kilometers from your clinic at Hohenlychen, and that either you yourself or Dr. Fischer or some other surgeon from your clinic could get there in time if necessary to operate and combat the infection.

A. I had current reports on the patients, and I saw the patients myself at the decisive moments. Fischer had great experience in this field which I have emphasized. He had the curves, the charts, the case histories, and we had the necessary facilities, and we had brought them from Hohenlychen to Ravensbrueck, and the patients were supplied with them. Further operations in sulfonamide experiments were therapeutic measures. In order to combat the diseased places in the muscles where the infection had taken to, it was important that we could be reached quickly so that the delay would not permit the infection to spread -- it can spread in twenty-four hours -- and endanger the patient.

Q. What do you know about the deaths, and why was there no amputation in these cases?

A. I believe that I can remember the three deaths very well. But I only remember three. I have always said that. With the things that have happened in the meantime, all the patients I have taken care of, it was not that Fischer or I overlooked an amputation, and it is certainly not true that an amputation can in all cases save the life of the patient, as in the case of typhoid. As I remember the case histories, the most serious patient had a

large abscess in the hip. Probably the corresponding glands had been affected. The infection in the calf and the abscess on the hip -- what can I amputate? One can amputate when the infection is limited on the calf. I did not have such cases because we forced the infection to the place where we wanted it, but we were not able to prevent that the infection spread to a different area and that it should run up the blood vessel as does happen occasionally. There are infections of the veins, and then the patient dies suddenly, and it is a definite risk to perform any operation because the power of resistance is only on the border-line, hanging by a hair. If we perform such major operations to save the patient's life, then you may believe that we would have undertaken an amputation, or would you not believe that a surgeon of my experience does not know when he has to amputate; and unfortunately that is the first experience that an operator like Fischer learns in wartime; to amputate in time.

As far as I remember the deaths, were an abscess of the glands, an infection of the veins of the blood vessels, and one died in spite of all transfusions from general sickness. This happens in cases of infection when there is no possibility to stop infection by local surgery. But one cannot conclude that any medical measures which should have been taken were overlooked and because just by seeing case history from a distance one cannot decide that at that moment that patient should have been operated on. I am convinced that in these three cases which Fischer reported to me exactly which I saw and in which the therapy was discussed that we certainly did not overlook anything as far as one can humanely say that one did what was considered necessary.

I wanted to publish this result or report it to the public from the beginning. If you did not assume that I had any humane or surgical motives, you may assume that I did everything so that I would be able to publish the results.

Q. In the individual series of experiments, what was the immediate harm, and what, in your opinion, was the later and the final harm?

A. I have already described it to you briefly, and in the individual runs there was no permanent damage in the case of the men. In the second

group of thirty-six, you have seen one patient here. After all 60 had been gathered together, you probably picked out the worst cases. They have scars without any secondary damage. But they are not endangered from the infection. It is very difficult to say how is the damage judged here. One can leave the impression up to the layman. One can have the patient describe it himself, or if it is to be useful scientifically for later

generations, one can keep documents for evidence to future generations. German judicial procedure requires the person expressing an opinion to be very clear here. It distinguishes between a limitation of the working capacity of the human being in percentage, and, on the other hand, the court - not the person expressing the opinion nor the patient - but the court considers what suffering he has undergone. It is not so that the cosmetic concept is recognized, but I can understand that in such an exceptional case where non-volunteers were forced to submit to this, - I did not force them, but the German State did - today as patriots they are asked for their opinion. I may express myself as expert in my own case only to this extent, that it seems to me to be going a little too far to say to me the patients would rather have died because as women they would have a 'id scar.

For twenty-five years I worked with disabled persons. If there is any concept, it is that a person with the most horrible scars, the most horribly disfigured who is a burden on his surroundings absolutely wants to stay alive if he is in any position to reach a decision, and then there is an important concept which may not be omitted, whether the damage can be repaired in the long run.

In modern surgery we have advanced so far that any muscle damage which is cosmetic damage can be compensated for at least to the extent that the scar deformity can be compensated for by moving the muscle down from above. That must be mentioned because the cosmetic conditions can definitely be improved.

If you will permit me I should say that the first group suffered no damage at all; that the second group had their abscesses and scars without any important loss, no interference with their performance or their appearance, but do have a scar. On most serious examination the damage is under fifteen per cent, and perhaps I might tell the Tribunal under the German concept $33\frac{1}{3}$ per-cent is a total loss of the knee joint, the most important joint of the human being, and 50 to 60 per-cent for the loss of a limb. In the third group as I shall show in individual cases, this is the characteristic of the course of the case according to fate.

The most serious case was Kusmirzuk. She was from group C-Without the gangrene; and, as I have demonstrated, and Broel-Plater, who was from the most serious group in which the ones died. If Kusmirzuk has twenty-five per-cent, then Plater is not fifteen; and what was the damage? They scarified the diseased muscle, and you can see from the two cases scar present in detail that the incision near the joint, that is the one at the top part of the knee joint, and the one at the ankle was the only real danger for the patient, that the abscess might go deep into the joint and destroy the joint, so that the patient would be unable to walk, and that the whole body might be poisoned, which did not occur there. That this did not happen in any of the cases was a reference to the nerve question. Professor Alexander discussed it with me and at the last we came to the same decision, but I may repeat it because it can easily be misunderstood for a layman. The nerve is a cable which runs into the muscle and now a nerve can be destroyed in two ways, either the nerve is injured at the top of the cable, and then that is serious and cannot be repaired or the muscle, the organ to which the cable is attached, as in this case, is in part removed, or a scar is caused, and has grown first to the foundation, and the circulation is interfered with, and then the nerve

has only a limited value, and for years and decades it will recover through massage, and these ankle parts which you have seen are certain to have impaired the function of the foot, but that is no nerve damage. That can be very easily proved, because a good surgeon would not have performed an operation using the muscle supplying in part the same nerve, and in the second place Dr. Alexander from the very beginning was of this opinion because he omitted the electrical nerve damage, which is the only decisive method. It can clearly be seen that the muscle no longer moves and that the poor woman did suffer damage. The important thing in experiments, not because they are my experiments, is that the experts say they are influenced by the cosmetic aspect. On the other hand one can say that the important thing of a disease is the concealing aspect which is not easily recognized or a total loss. On the other hand large parts of muscles have to be sacrificed in these cases, but the lives of these patients were saved by so doing, and it was even so that the joint was not affected. There is not a single case where any joint was in the least affected. Of course, every person has a large group of muscles and if only ten per-cent is destroyed, he can stand on this leg, if the joint is destroyed, if part of the joint is missing or if the limb is amputated, then he is much more seriously restricted.

Giving a full critical view of the situation which I shall describe in detail and with the strictest point of view towards myself and the consciousness that this opinion will be later read by other doctors, I am of the opinion first, in view of mortality, if I take only twelve of the cases where the muscle was tied off and the cases of gangrene, then three of them died to my certain experience. That is twenty-five per-cent, a result unknown in gangrene therapy, but I have taken the liberty of proving that all thirty-six other women should be included because they were not infected with gangrene among other things and with contact materials, and some of them could have died too, in spite of all of our efforts. I believe one can put the twenty-five per-cent in parenthesis with the thirty-six others, which gives you a percentage of death of five to six per-cent. I believe that

there was no other case as serious as Kuxmirzuk. I do not recall any such case. I gave them all to the same place and they will probably be present here. The highest damage was thirty per-cent and the lowest fifteen or less. There are serious muscle defects which for therapeutic reasons were carried out to save the joints; there were no amputations. To this decisive point with the understanding of the Tribunal I shall give a very clear explanation: I assert that my orders for the experiments were so complete and thought out so thoroughly from a scientific point of view that aside from matters of fate they could not have been better. I further assert that all therapeutic care humanly possible for these people, all measures for protecting their lives, were first considered, if I doubted whether I should emphasize the scientific assignment or the protection of the people, if I put the groups next to each other and ask you to consider the preliminary experiments to get a quite clear clinical condition, the 36 women with contact material and resting of wounds, so that the abscesses could achieve only a certain extent, and if at last I take the cases where muscles were tied off, and determine exactly where the infection had to occur at a known place to a known extent, immediately accessible to operation, I believe that those are the three most important things to prove, that I contend I acted decently from a scientific or human point of view. On the other hand I know that I will have to prove these three statements and I can change the conditions of the experiments. In transition from the second to the third group, after a long consideration, I kept resting the wounds, as the most normal and secure. I did not permit any action which would drive the germs further in, and cause the gangrene to break out at a place unknown to me. I used the method of tying off the muscle. I ask the Court since I am interested only in the events of this decisive point, to give me a chance in a simple way in an experiment on myself, that if I make an incision at the same place, but introduce the same infection at the same place as was done to these women, and then move it, that is, not rest it, gangrene will break out on my leg, but not at the intended place as in all of this group, but somewhere else on my leg, and I ask you in this desperate situation without any assistance from outside to permit this experiment because I believe I will thus be able to show the most essential point of our whole work.

A. (continued) Up to now gangrene has been combated only by surgical measures. That is, an abscess which arises somewhere with its surrounding membrane could never be influenced by chemical means from the outside, but by passing on the sulfonamide by electrical means into the abscess, as Fischer worked it out, I am convinced with any luck the abscess will stop abruptly. I do not need to add that, in my opinion, I ask for this purely as proof for my reputation and my work without any calculation or advantage or other benefit.

DR. SEIDL: Mr. President, in view of the last statement of the defendant Gebhardt I shall submit an application in writing to the Tribunal.

Q. Witness, the first witness here before the Court was a Polish citizen, Karoleska. I shall have you shown photographs which the prosecution submitted as Exhibit No. 11. This is Document NO 1081 and 1081b. To which group did this witness belong?

A. Karoleska was operated on on 14 August 1942. Then she would belong to this so-called second group with thirty-six women where incisions were made and contact materials introduced. She was operated on again on the 6th of September by secondary incision and now she has this healed scar. No damage to the nerves. No interruption to the joint. That is, injuries of 15 to 20 percent, if one speaks in favor of the patient. When the Court considers what the patient had to suffer and how such her total life is influenced, I am convinced that she is the worst of this group and most are better than this case.

Q. The prosecution submitted as Exhibit 225 an affidavit of Jadwiga Kaminska, Document NO-876, page 46 of the English Document Book 10.

A. She was operated on on 15 August 1942. It describes the course of the treatment as she was not given anything to eat, morphium, plaster cast, dressing changed by me, the necessary secondary operations. It says expressly that her leg is healed with the exception of scars. I believe, therefore, that one can say that Kaminska belonged perhaps to the better one and the one presented here was worse. I should think that the second group is more or less between these two.

Q. The next document I will have you shown is NO-877, Exhibit 228 of the prosecution, page 61 of the English Document Book 10. This is an affidavit of Yenina Iwanska. To which group did this person belong?

A. The same group. She was operated on at the same time. The case is the same. Dressing changed by Fischer under my control. She speaks of drainage; she says metal pieces were put in and out. Maybe there was an abscess. She says in her report that she is healed and that later she had drainage from the leg. These three cases more or less describe the second group totally healed. Traces of infection and definite scars as shown were without any important loss.

Q. Another witness who was examined before this Tribunal was Maria Kusnerchak. I shall have you shown pictures of this witness of Prosecution Exhibit 219, Document 1080. To which group did this witness belong?

A. According to this she clearly belonged to Group 3a. That is, in October here there was no gangrene. Her muscle was tied off. The whole clinical course of the experiment is described very well and she says I examined her in November. She had several operations. The scars are seen here clearly. Once the upper, and once the lower joints were endangered and saved by sacrificing the muscle. She is certainly one damaged not severely. She has no loss of nerves but loss of function secondary. Joints are free. The leg was saved. There is no sign that infection endangered the person as a whole because blood circulation is all right. It is something that can be improved by further operation and treatment afterwards. It can be reduced by at least ten percent. She has no bone focus. Kusnerchak seems affected more than David although David is more seriously ill. I should like to say that Kusnerchak has about 33 1/3% loss, which is equal to the loss of a knee joint and that is a high estimate considering all she suffered and the cosmetic appearance.

Q. Another witness, Maria Broel-Plater.

A. Maria Broel-Plater ---

Q. Just a minute, witness. The prosecution submitted the pictures of this witness as Exhibit 209, Document 1079. To which group did this

witness belong?

A. Broel-Plater and Daide both belong to the gangrene group. That is the group showing most serious infection and you will see that the one who was operated on last in that is Broel-Plater, who had the much more harmless condition than Kusnerchak who was from a much more harmless experiment.

She describes the case. Says that everything was done that was necessary. In case of Brod-Plater there were no complaints of loss of nerve, no big muscle connection, only the two scars, no interference of the bone and a very slight infection of the periosteum. That is a very good result although from the most serious group. That could almost be from the beginning group. Then there is someone who suffered more, that is Dside.

3. The last witness examined before this Tribunal is the witness, J. Dside. The picture which Prosecution has submitted is number MC-1082, exhibit 214. To what group did this witness belong?

A. She was in the gangrene group at the end. One can see from her the infection from the calf muscles coming up and endangering the knee joint. From the cross incision at the outside of the knee joint this harm is prevented. And then it goes down and in toward the bone and again by an incision, so that not only this focus of infection is healed but the joint is saved. Dside is a classical example of therapy which combats infection with the knife and prevents affecting the joint. In the case of Dside it is very important that subsequent treatment was already introduced when subsequent operation reduced the loss of function. This, of course, does not reduce our responsibility, but is a fortunate change of improvement.

THE PRESIDENT: When counsel for a defendant refers to an exhibit which has been offered in evidence by Prosecution and received in evidence, defendant's counsel will call attention to three things - the number of the document, the document number as an exhibit, and the page in the English Document Book upon which that exhibit may be found so that the Tribunal may readily refer to that document if it desires to do so.

The Secretary General will return these Document Books to the office but will bring them back for the Tribunal tomorrow morning and put them on the desk.

(The Tribunal adjourned until 0930, 6 March 1947.)

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 6 March 1947, 0930, Justice Seals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are present in court.

THE MARSHAL: May it please your Honor, all the defendants are present in court with the exception of the defendant Oberhouser who is absent due to illness.

THE PRESIDENT: The Secretary General will note for the record the presence of all the defendants in court with the exception of the defendant Oberhouser who has been excused on account of illness.

Counsel may proceed.

The witness is reminded that he is still under oath.

KARL GEBHARDT - resumed

PERJECT EXAMINATION - continued

BY DR. SEIDL (Counsel for defendants Gebhardt and Fischer):

May it please the Tribunal, before the defendant states his opinion with regard to the results of the experiments I request permission to offer an affidavit which is located in my document book, on page 33. It is an affidavit of the defendant Dr. Fritz Fischer, and I offer this affidavit in order to support the examination and because the important results of the experiments are stated in this affidavit. I offer this affidavit as Gebhardt Exhibit 3. I request the Tribunal to take judicial notice of the contents of this affidavit and in view of the number of pages in the affidavit and the length of the affidavit I refrain from reading the entire affidavit into the record. I only want to read the last two pages into the record because they

important to me. I begin on page 41 with the first paragraph. I quote:
"Therefore, the aim of therapeutic treatment must be to effect a contact also in cases where, in the past, this has not been possible by the usual application for morphological reasons. We may be encouraged in this hope to effect a clinical cure also in cases of abscess forming (and similar forms of strepto and staphylococci infections as angina folliculitis, furunculosis, pleura and joint empyema, phlegmons and purulent osteomyelitis. This is made possible by sending ions through the tissue by means of electrical currents. The direct current between the poles to which sulfonamide is fed, (as electrolyte together with tissue juice) overcomes all barriers of the tissue, such as vascularless callosity, necrosis and lime saturated with fluid.

"This method has already been used in medicine before in other directions and for other purposes and is known by the name of iontophoresis.

"For this a low voltage direct current is required, which carries the sulfonamide for instance from the cathode to the anode through the tissue.

"It was therefore proposed to treat with sulfonamide the abscess-forming and similar cases of bacteria inflamed diseases caused by bacteria (especially streptococci, staphylococci and gangrene) as angina, furuncle, abscesses, phlegmons and osteomyelitis, by bringing the chemotherapeutics in sufficient concentration by means of the iontophoresis through the tissue directly to the culture of the microbes.

"It was further recommended to make a careful analysis of the bacterial and morphological condition before beginning a chemotherapeutic action in order then to choose the correct drug according to the type of organism (grampositive or gramnegative) and to make the manner of application dependant upon the prevailing histological structure. Thus, in the case of catarrhal purulent inflammation (meningococci, meningitis, gonorrhea) an oral or intravenous dose would be suitable as well as in cases of initial catarrhal inflammation inclined to form abscesses (otitis media, endometritis) that is, as prophylaxis.

"If, however, the organism is spread over the surface of the tissue like an ill film as in cases of a newly perforated injury to a joint or to the abdominal cavity, a local rinsing with sterile ampulle contents would be indicated.

"For superficial pyodermic processes powder or ointment should be applied (acid-preparation-Albucid). In cases of abscesses or necroses, however, a result can be reached only if there is contact between the organism and the chemotherapeutic in the necrosis. Here the method of iontophoresis would be the choice.

"The fundamental conditions would be similar with the antibiotics (penicillin, streptomycin) so that one may expect also by these means an increase of the therapeutic result quotient if they are applied by means of iontophoresis to the seat of disturbance between the body and the micro-organisms.

"The work of Brodersen, Lettve, who pass the alkaloid of the meadow saffron into the centre of cancer of the skin by this means, proves that large organic molecules can be conveyed in this manner.

"According to these deliberations it should be considered to prescribe also anti-biotica penicillin and streptomycin through iontophoresis in cases of disease developing abscesses.

Murnberg, 27 January 1947.

(Signed) Dr. Fritz Fischer."

Witness, you have described the experiments yesterday which were carried out under your direction in order to test the effectiveness of the sulfonamides. Was the result of the experiment such that the question which was made in the order to you was answered in the affirmative?

A. Yes. About the value of the results according to its practical side I briefly summarize and point out that I shall try, in my entire description, according to the state of affairs and according to the notation and the situation to follow the prosecution exactly which has required seventeen days for the sulfonamide experiments. Today I have only reached my third day

10. I point out that the question of the value of the experiments can be answered with three answers which were given by three lay men. The General fundamentally stated, in the beginning, that all the experiments were without any value, that is, that animal-like, common human beings have done something which is completely without any purpose. Mr. Hardy spoke of the "negative results" of the sulfonamide experiments, in connection with the presentation of the written affidavit. However, Mr. McHaney tried to force Kestock to give a judgment about my person and about the experiments which he did not know in detail and the question of the completely useless torture of Polish women, and I am sure that you do not want to agree with that. Therefore, on three occasions -- and I want to emphasize that very clearly at this time -- three laymen have made a medical judgment and they consulted with somebody and they have given their judgment according to their personal opinion.

I believe in any case that for me this is one of the most important parts of the trial because it is exactly the parallel of what I have seen in Mr. Himmler, that is, that the layman tends to concentrate the whole problem into one question. That may be quite possible in legal matters--I cannot say about that--to ask with regard to a certain situation and then with the answer that is in this case a negative result, he then assumes that he knows the whole subject and gives a scientific judgment--and that he tries to give these judgments in the medical matter. May I therefore request that I be permitted to show that it can very easily be said that the results of the sulfonamide experiments were negative in a certain question; that is, if you take the basic initial question--to test the 5 medicines--and therefore the use of the word "negative" result originated with me. International science which will make a subsequent examination will hardly adhere to the medical decision of Mr. McHaney but they will adhere to the affidavit by Fischer. It shows to some extent the scientific value of this question. It will show that the law will exist true and honorable. I do not want to involve the whole scientific side into this case. However, may I state the practical conclusions connected with our experiments and which are of far-reaching importance? May I take that in contrast to the judgment by the layman in order to emphasize very clearly in the record the manner in which we proceeded?

It was of decisive importance to the front to know if a preventative medicine was found in the sulfonamides. That is, that we were to supply the troops with them, just like the bags which were carried by Allied troops. As far as my field is concerned, we did not follow this train of thought. Himmler discontinued our contacts with the Zybazol Factory although for the time being wanted to establish the same procedure as he had been seen by the Allies.

Q. Another question, witness. Zybazol is a medicine which was manufactured in Switzerland?

A. Yes. Therefore the big question that Himmler did not utilize the special contacts in Switzerland for this medicine and that he did not adopt the sulfonamide bag of Allied troops, and this was decided as a result of our experiments. It was a far-reaching question with regard to the care of the wounded to do with money and funds. If the sulfonamides had meant something of particular importance, then the organization for the Waffen-SS could have been extended to a very large point with young physicians or with any troop medical officers which we might have obtained because we could have just provided the physicians with sulfonamide. Through our results now came the other branches of the Wehrmacht, that we needed fully trained surgeons because we were trying to push operation centers up to the front and that we did not want to use it as a medicine; for the technique in the SS this also had a very far-reaching result. I have taken it upon myself to point out that in particular in the SS an instrument had been invented by a medical officer, whereby sulfonamides could be blown into the wounds through a tube, and that this was to be made possible. In our case this had already been introduced in 2 or 3 divisions. However, we completely abandoned this procedure, purely as a result of the outcome of the experiments. One of the decisive questions was the results in practice with regard to prophylaxis, that is, what should be done with regard to the sulfonamides prior to disease. May I name a venereal disease here as one of the most convincing examples? At that period of time we maintained a point of view that with these epidemics of gonorrhea which existed at that time, that the previous taking of sulfonamide would have a high grade of protection. Now we proved in our results that it was not so important what individual disease was involved but rather the fact was important what the course of the disease was. May I point out to the Tribunal that a disease can progress like a catarrh. Take as an example the harmless nose catarrh. The whole inflamed tissue fluid goes somewhere around the inflamed spot and then, of course, the germ is in this tissue fluid; if at the same time I can

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through clinical and analogical conclusions, that is to say, that we saw that in some cases of the second group where, at the same time, we had simultaneously applied the Marfanil sulfonamide into the wound, thus we immediately established the inner contact, that is when we had this catarrh before us, we saw success. On the other hand, we saw that in case of gangrene we did not have any success, because in the whole vicinity of the area infected with gas gangrene the tissues did inflame and became stopped up and as a result of this they were unable to absorb the medicine.

On the basis of this consideration several of the successes and failures were compared by us which had been previously made by the physicians, and now for the first time we found a clear manner of procedure that there is no contrast but it is actually so that everywhere the catheter is running in excess the success is possible, and wherever it is in a form where it is secreted by membrane and stopped off it is not possible, and this was expressed in May 1943 and then in the fall I was in Italy and in Spain, and afterwards I had been able to obtain information about how far this work had progressed abroad, and I know the literature abroad at this time. The first indication that this matter is connected with the construction of tissue originated with Gebhardt and Fischer, the results therefore were not without any value and they did not in any way solve the problem. They are partial contributions to the anti-field of research. However, I believe that through profound effort we were able to obtain the information which could be obtained on behalf of the sick and the wounded of all countries.

Q. And what conclusions could be drawn for the German Wehrmacht as a result of these experiments?

A. I have stated my view for the most part for these experiments, for us it so that we did not discuss these sulphanilamide bags, and that with the extreme surgical supply we remained with the old procedure, and that we only obtained surgeons from the other branches of the Wehrmacht in order to render the further expansion of the SS as an organization possible, and to take the responsibility for it.

Q. As a result of these experiments was a scientific problem of these sulphanilamide therapy treated in detail?

A. I believe that I have already answered this question. At that time I expressly stated that I considered this an important partial contribution, that I only wanted to point out that at the conclusion of the experiments, especially as a result of the fatalities, we finished where the practical question with which I had been assigned to us had been solved, where however the problem only became attractive in the form of research and important. In that time, after we had devoted our interest for the sulphanilamides in excess of the assignment, we had especially emphasized it as our own field.

research, and if we had brought up the question of Jorgophrese, connected with the basic research of the problem on the field, at that time on our own initiative, then at least 500 experimental subjects would have had to be furnished. In contrast to that we stopped where our assignment had been fulfilled, and only subsequently continued the thought and put it at the discussion before international science, just as it has now been summarized once again by Fischer; and as a matter of justice I must emphasize that I only have the clinical power to judge it but that it was the idea of Dr. Fischer.

Q. Witness, in the indictment you are charged with special responsibility for experiments, whose subject was the "Regeneration of Bones, of bone muscles and nerves," and further you are charged with special responsibility for experiments with regard to bone transplantations; on how many persons, as far as you can remember, in the camp of Ravensbruck were experiments carried out and how many of these were aseptic operations?

A. I request that especially in this point, where my testimony will be rather uncertain for reasons which I shall yet describe, I be expressly permitted to state this uncertainty and to describe what I know, because after all it was so that the prosecution has stated: "And then it was ordered by this man, that additional operations were carried out", that is on my initiative, and we had a certain schedule which has been presented here by Dr. Mazka. The figures stated by Dr. Mazka are false. I can only approximate correct them. However, I would like this to be contained correctly in the record because these things which were used against me and where it was stated in such a way as this had anything to do with the Third Conference. I would therefore like that I be heard in detail, because the doctor who performed these things, Dr. Stumpfegger, is working at this time in the Russian zone, and has taken the material with him into the Russian Zone, and because through the Vienna broadcasting station, the physicians, who from my school of thought are acquainted with this field, are being called on by the Russian broadcast station to report. I want to emphasize expressly, of course, this is in no way based on experiments on human beings, but on the problem which I should like to be heard on because it is of primary importance here. The figure is that we named 60 women with certainty or facts approaching certainty, for

the sulphanilamide experiments, and 15 men, and that on the other hand by special approval, special order and special task in a direct order from Himmler to Dr. Stumpfegger, as I remember, about six splinters were taken out and the shoulder blade, and that I believe still today, just as Stumpfegger gave me that information that he under the same conditions used six or seven other persons from the group of Polish women who had been condemned to death. I could try to give another's description here and perhaps say he also had some criminals, I do not know that. I must say honestly that amongst the affidavits which have been presented here two removals of splinters were made by Stumpfegger. It is probably that the others are in the same group. On the other hand Dr. Mazka has spoken about the purpose of the planting of these splinters. I would like to take it upon myself before coming to the person of Stumpfegger, to state my opinion with regard to her testimony insofar as I am far from doubting her testimony in any way, and as a woman and a Polish woman and I do not want to act against her indecently. However, I believe I know what activity she had there and that is also very uncertain. Because of the sulphanilamide we had nothing to do with the X-ray Department, since it was not necessary for us. I personally inspected on one occasion the whole sick bay. That was at the beginning of my experiments, and as far as I know I took the X-ray apparatus along, and as I remember at that time there was an X-ray specialist there, Hall, and that was a Polish woman. I believe when I saw this woman here, it was her, yet she stated she had seen me but did not recognize me here any more, which is quite probable when two persons meet on one occasion. However, I believe we saw each other at that time. The entire experiments of Stumpfegger were controlled by the constant taking of X-ray pictures. In intervals of 8, 14, and 21 days these X-rays had to be taken, and it is quite certain Dr. Mazka probably took them, therefore, her testimony stands up as evidence on this point more than mine who has never been with Stumpfegger at Ravensbruck and only know these experiments from what he told me, on the other hand she is an X-ray specialist with internist training; and it is so that in order to judge an X-ray picture of bones, there are in Germany only two men who were able to do that, that is Professor Kohler and Professor Hollenberg, who primarily occupied themselves with this question.

If therefore I take it upon myself from my knowledge in the sense of a good
Stumpfogger I present this here in contrast to the incomprehensible
presentation from a false angle made by Dr. Mazka, then this is done without
any personal attack on this lady in question. We were told that these
operations had something to do with the operations at Hohenlychen. This was
not stated clearly, however, it could be stated if we had too few hands there
in Hohenlychen, if you want to speak as laymen, or that I had not known how
to take care of my wounded, and that for this reason I had carried out the
regeneration experiments, and I had used them for my wounded at Hohenlychen.

Permit me to point out that this already becomes incomprehensible, because if it had something to do with Hohenlychen, I would have taken care of that in person. Dr. Mazka admitted that she had only seen me in the X-ray room on one occasion and had only seen me at all on one occasion.

If you will be kind enough to examine the affidavits individually, then you will see that my name and the name of Fischer will always appear when sulfonamide experiments are concerned. If, therefore, it had been a question of cardinal operations at Hohenlychen, then the chief of Hohenlychen, who was even interested in the sulfonamides which were no problem for Hohenlychen, extremely intervened in order to help Fischer, he, of course, would have made a personal appearance there also. However, between the results of the work and the procedure of Stumpfegger and the procedure of the operations at Hohenlychen there was the most outspoken contrast of the concept which can be imaginable at all in that field.

From the description of the third conference, I shall permit myself to show what I reported on in the field of bone regeneration and why Stumpfegger could not have spoken at the same meeting, because it was not usual that a man who used to be in my school should make a public speech in contrast to the opinion of his chief.

But please permit me to briefly make it clear in a manner, which is understandable to a lay-man, and to clarify the question which I would never have introduced in this trial if words like the 'removal of splinters', 'nerve regeneration' and the 'breaking of bones' and even the other sentences had not been used by lay-man here, because it is so that there is a clinical concept about setting of fractures, viz, if someone has fractured bones, he must be put in a fracture cast. The fundamental difference between the tasks of Stumpfegger and Hohenlychen were, and I state here that I shall describe as simply as possible, so that in a subsequent scientific examination I shall not be reproached with having been too one-sided:

The whole surgery at Hohenlychen was a plastic surgery, that is to say from the parts which still existed with a limb which had been destroyed, that

is from the body's own parts, I make new joints. I reshape them if enough splinters remain, or I borrow a piece from the vicinity, for example from the leg, and add this part to increase the building material still present. That is a procedure, which has also been used in America by Alby. In Germany it was Lexer and I was perhaps the one who imitated it most. This procedure never had anything to do with another human being or with material procured from another side.

A splinter which is put in that place where insufficient material is available, according to the research carried out by Olby, goes through strange processes, which none of us ever understood but which for the practice are not important at all.

I will immediately come to the conclusion, but I have always described it in the following manner. If I put a piece of the leg bone into a knee joint, which has been destroyed, then you can look at this piece of leg like a cigar, which I smoke to the end carefully and slowly so that the form will still be maintained in the ashes. If now I do not finish smoking this cigar entirely, then I will have what exists in the case of the splinter, that is all of a sudden from the rest of the cigar, in order to remain with the example, around the form of the ashes towards front there again grows the 'tobacco' cell and then more or less it again reconstructs the old cigar. Now there was an argument if this reconstruction came from the sheath around the cigar, that is the bone skin, and this was the old theory of Frau Hanka or if it originated with the inner core of the cigar. None of us knew what this process was, we only knew that this process was going on which was perfectly sufficient for the procedure.

Now Stempfegger had that idea, which did not originate with him. He takes the same cigar, which has been smoked to the end and which for the part consists of ashes which still has some of the tobacco stub left, but he does not put it back into the cigar box, viz to the remaining bones, but he puts it into the original tobacco lines and these lines do not only consist of the tobacco cells, viz of the bone cells, but also from the stems of the

leaves, and if these stons are freshly cut the liquid will drop from them and this ferment liquid of the stons corresponds to the pressure fluid of the bones and that is the secret of the construction of the whole bone regeneration.

The age of the human being, and the aftergrowth of the human being, all these questions are dependant on the fact if this pressure liquid is still alive, or if it has already died.

I have taken it upon myself to describe it in this manner, because this was an idea, which was stolen and it did not originate in Germany, but in Kiev and it comes from Pokonolott who discovered this in 1930. When he took this fluid from human beings, he accomplished the reconstruction of bones. I cannot say today how Stumpfegger and Himmler obtained this knowledge from the institute of Kiev. I myself had never visited it and, until I was informed by Stumpfegger of the order, I never knew of this literature. It is in contrast to my entire attitude, as I am the surgeon who operates with tools, and not one who reconstructs joints in that way from tissue through transplantations.

In order to put it briefly, on the same third or fourth of September, when Grawitz was trying to destroy our experiments at Ravensbruck on the direct order of Himmler that our experiments were too long and wrong, Stumpfegger comes at the same time with the permission for six to ten; Mazka, I believe speaks of eight persons for this problem, which originated from the Russian Institute and was tested in Kiev in a manner completely unknown to me.

I do not want to claim that they did this in the same way as Stumpfegger and this was subsequently examined. May I point out the risk involved in the experiment, it is such a harmless experiment that in Germany it belonged to operations, which are included in insurance. It was stated here by Rostock that if we need more operations in preparation and which, according to experience are completely without danger to the human being involved and will fully heal up again, that for these things a person, who had been insured

and a soldier could be forced. That is if I wanted to reconstruct a joint, then the patient could never be forced to agree with this large plastic operation of the joints, because my big plastic operations are a grave danger; however, if the patient agrees and it was only a question of removing a little splinter, then the person who was insured could be expected to do that. And the procedure of Stumpfecker was such that from the part of the leg, because that is dispensable for the human being, removed a small splinter of bone with or without the skin around the bone, and turns the same bone by 180 degrees, and then places it back again into the part of the bone, which has not been destroyed.

So then constantly took x-ray pictures, and as is clearly shown here by the two affidavits in from eight to six weeks, he again took out a small piece, and compared on how these cells were regenerating. Through this procedure he succeeded, as I have already described in detail, that the reconstruction did not come from the splinter or from the outside, but that it was caused by the vicinity.

Q The approval to carry out these experiments came from Himmler and was directly given Stumpfegger.

A I have already described that this was a problem which was outside my train of thought, that I did not know the preliminary history, that I would never have thought of carrying out this experiment.

May I state briefly that Stumpfegger had formerly been an assistant at Hohenlychen, who in peacetime and until 1941 was working for me, who then went to the front, and who then until the end of the war was the escort physician of Himmler, and that as a result of decisive decision by Himmler, he also became the escort physician of Hitler. That Stumpfegger was elected in this extreme position, has its profound reasons. He was younger than I, and it was one of the incomprehensible procedures in our staffs-also with Doenitz-that nobody wanted to have a collaborator in his immediate vicinity who was older than he himself. This was, perhaps, the reason, why these staffs failed to have very much success. Stumpfegger, just like I, came from the same city as Himmler. He also came from Landshut. He also attended the same school, and he was in the same class with Himmler, while I was older.

He was particularly experienced with the front, and he was prohibited from again going to the front; and as Frau Neake stated, in his appearance he was the ideal of the appearance of an SS man.

Stumpfegger, at the time, accompanied Himmler on his trip to the West, and I emphasize once more that I do not know the connection there, and that I was extra-ordinarily surprised when Stumpfegger obtained this permission. I believe also in this point that I maintained the correct attitude.

It was impossible in such a big question, which he had obtained from a foreign laboratory, and which he carried out the experiment in his manner-- which was not done abroad, but I did not know that-- that I should prohibit the escort physician of Himmler that he should carry out these experiments on his own initiative. It was also appropriate with regard to the risk, no comparison with the worries and the precautionary measures which we had to introduce in the case of the sulfonamide experiments. In the same operation I would not have exercised any control over an assistant at Hohenlychen, and I did not even consider taking any part in Stumpfecker's experiments. I have never gone to see him at Ravensbrueck, and I have never seen him perform any operation. However, I had myself informed what he was doing, why he was doing it; and I did one thing that, when assignment came to us at that time, asking us to participate in, it, we accepted the order; but Hohenlychen did not play any part in it; and of the seven aseptic operations, none was carried out by us.

However, it was so that I requested Fischer as far as he had contact with Stumpfecker at that time to report that to me, and to establish

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certain liaison. I have had Stumpfecker tell me, when he was to start in court, and he promised me that the same conditions would exist, viz. persons who were condemned to death, and that these people would become free from the death sentence in the most simple manner here; and it is also shown that such persons are amongst the witnesses here. And I reserved myself the right that Stumpfecker should submit his final report to me. The report did not reach me personally, but as I can show, it went to a much higher and other scientific agency to which Stumpfecker turned at that time.

Q. If Dr. Stumpfecker wanted to clarify this question, could he not clarify it through an experiment on animals?

A. Well, the same thing always applies to animal experiment. That inflammatory diseases and especially the regeneration of tissue in the case of human beings can never be compared with an experiment on animals.

Q. In the indictment there are experiments mentioned which refer to the regeneration of muscles and nerves. Do you know anything about it at all?

A. I can only support myself expressly on the information given to me by Stumpfecker. Stumpfecker personally told me, and he also published that, that he only carried out these removals of splinters. But it was only practically used in one case, as I shall yet describe. He never tested the regeneration of nerves or the regeneration of muscle.

May I point out particularly that regeneration experiments on nerves are senseless, because every human being knows that the nerve cannot be regenerated. However, may I emphasize something else in this connection. At the same time, in order to clearly show what my opinion is, one case before the sulfonamide experiments in the field in which I was interested in,

vix the operation in replacing nerves which is something quite different, I experimented with animals. I can do this by removals, therefore I started in animal experiments and I can bring documents here in the form of affidavits to clarify statements already in the testimony. You find that in the testimony here, that simultaneously with Stumpfegger's experiments until the end of the war, in Ravensbrueck experiments on animals were carried out by me. I wanted to solve the question, and I always used to think that this would be the best evidence to show what my thoughts were on this question, because it would have been very simple, if some person is already operating on a bone, also to carry out a mass myoelectricity on the same person.

I shall show with the proper documents that, where my initiative is concerned, the experiment is carried out on animals, and that otherwise there is only the sulfonamide experiment which I was ordered to carry out, as I have tried to describe it. There is a special assignment to Stumpfegger with six removals of splinters which have healed up completely and where no permanent damage remained. This is clearly shown here by the testimony which includes also one practical operation on the shoulder blade which I shall now describe in detail.

Q. What was your personal attitude toward the repeated order of Himmler to Dr. Stumpfegger to evaluate practically the results of his experiments in treating the wounded? That is, if Himmler gave Stumpfegger this permission, then he certainly must have pursued a certain goal.

A. Because it is such a complex border-line question, and because this experiment is being done in another zone, I only want to state the fact that more than three hundred thousand wounded which have been treated in that respect that _____ has published these results, that is, the method to protect these parts, but I have never seen any basis for that. However, this, of course, was the aim which Stumpfegger was pursuing in his work. If he would not succeed the whole regeneration surgery would be ended. Joints would have been completely destroyed and crushed so that no removal could be carried out anymore. By a free transplanting of one joint from one human

being to another, the damage of the joints could not be overcome.

May I point out that this big problem also was the problem of surgery at the end of the other war.

THE PRESIDENT: Witness, just a moment.

A. And that, for example —

THE PRESIDENT: Counsel, it is not the desire of the Tribunal to restrict the testimony of this witness concerning relevant matters, matters which are relevant to his defense, but I wish you would instruct the witness to answer your questions more directly and at less length. Your question could have been answered very briefly, I think.

BY DR. SEIDL:

Q. Witness, you have heard the instruction. You will give your answers more briefly.

A. Yes.

Q. And will you please make some shorter sentences. You were about to say that already this problem had made its appearance in the first world war, and that towards the end of the war we tried by transplanting shoulders from one wounded to another that joints could be replaced in this way. In this connection may I point out briefly that transplantation is only possible, in order to turn against false descriptions here, it is only possible from the skin and bones and joints. Muscles cannot be transplanted and one cannot transplant a whole limb. It is also a fact, is it not, that in one single case from another person, that is a Polish woman from Ravensbruck, a shoulder blade was removed, and that it was inserted into a patient at Hohenlychen? The witness Dr. Mazka has already given her opinion on this point, even if it was incorrect, and I now would like to tell the Tribunal how this operation came about.

A. Yes. In 1942 Himmler made a Christmas visit to Hohenlychen. On the occasion of this Christmas visit all of our results were reported to him. First of all, they were the results of the sulfonamide with which, of course, he was not satisfied. He was not satisfied as to the kind of results which had been achieved. On the other hand Stumpfegger reported to him in detail and in my presence about the unheard of chance which was contained in this experiment. Himmler as well as Stumpfegger certainly made a wrong estimate at that time about the chance because even today I am still of the opinion that in the case of wounded who have an infection from a previous time such a transplantation cannot be carried out, that it cannot be directly carried out in the course of the war. This argument between us two already was the subject of two different opinions when Himmler made his usual Christmas visit. Unfortunately, at Christmas 1942 the more severely injured female patients of Hohenlychen, the nurse Louisa, whose right elbow had been completely shot

out. Himmler knew her from former times and he saw her at the Christmas visit and she was introduced to him at the same time as the other patients. I was unable to replace this joint and in spite of the order of Himmler no experiment was carried out in this direction because this would have demanded that, in spite of the reason which Himmler gave, a whole joint would have had to be removed from some other human being and that it would have to be transplanted. That is to say, that one person would remain without a joint. In spite of this Himmler returned to his family with that opinion and I talked Stumpfegger out of carrying out this therapeutic experiment, because he would not have any success with it and as a result two persons would have sustained permanent disability. Stumpfegger maintained a different point of view, that through further experiments he could perhaps improve on his procedure in trying to exchange the joints of a healthy human being. However, this was never carried out and I have not seen any evidence here which would state that this had been done. There was one single middle course and I still believe today that under the prerequisite I was unable to prohibit Stumpfegger from carrying out any experiments with joints. The therapeutic purpose was achieved with the smallest possible damage to the other person. In Hohenlychen I had a civilian lady, I had a syphilitic patient and one who had a growth of cancer and whose shoulder blade as a result of cancerous growth was being destroyed piece by piece. I removed the shoulder blade and I want to emphasize this for the reason that the surgeon usually does not know that. I saw on him to what extent the damage on the shoulder blade had gone, the exact damage is relatively small, and I fully realize that there is a damage because the muscle which is located below the shoulder blade is located between the chest and in this case the patient lost his cancer, because I would describe it this way: If I assume that the result was the same with another patient. This shoulder healed but now the arm could only be lifted horizontally. Now the cancer re-appeared and in front it destroyed the only support which existed, that was the collar bone and I was confronted by the question, what was the usual solution to amputate

the arm, or to irradiate the patient and let him die in the course of his cancerous growth. At that time and for this I shall take the responsibility, that now I have agreed with Stumpfegger to the extent that I told him I will operate on my man without considering any assistance on your part, and I discussed the matter with the father also, and he can testify to that if I can finally succeed in finding him. If Stumpfegger was to remove another splinter from any joint, then in no case should he take a whole joint, and that he should not transplant it in any case to the wounded or to the nurse, but to the only case which might have a success from a therapeutic chance, that is on a man threatened by cancer who was losing his shoulder, and then on the shoulder blade which is the most dispensable joint, if he was to carry out the operation at all. After long discussions, on the 27th of December 1942 he succeeded, first, that from this experiment no further bone experiments were to be carried out if this experiment was to fail, and, secondly, that the transplantation of wounded was to finally come to a halt, and, third, that the shoulder blade should be inserted for this man who was threatened by cancer. The results justified me in my opinion. The arm was saved and the shoulder blade which had been inserted healed in the form and until 1945 the cancer did not again re-appear, and the man remained alive. For the woman or for the man, if I am being charged right now, I do not know who it was, existed the same chance as for a person who had been condemned to death, he would remain alive and the shoulder blade which had been removed amounts to a disability of twenty-five percent, which is less than Kosmierzuk had, and Stumpfegger took care of and gave medical treatment in this case. In all of the details I only know what Stumpfegger published later on and I cannot testify anything further with regard to this shoulder blade.

Q. Therefore, the result of the operation was that the life of the patient was saved?

A. It was a therapeutic success also and I want to make an exact statement that until 1945 the cancer did not re-appear and he remained

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alive, and that is a period of three years, which means something in the case of cancer. Of course, it would not be to the point to say now that from this I must conclude from all the circumstances that cancer would never re-appear again.

THE PRESIDENT: The Tribunal will be in recess.

(A recess was taken.)

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THE MARSHAL: Persons in the court room will please find their seats. The Tribunal is again in session.

BY DR. SEIDL:

Q. Witness, did Dr. Stumpfegger speak about the results of his experiments and was a publication made about that?

A. The entire questions about transplantation of bones was published in a different way by Stumpfegger than was the custom and this was done outside. Hohenlychen had one publishing firm, called "Ambrosia", and there is not a single book published in my school which did not have a foreword written by me. The entire results were put before Professor Sauerbruch by Stumpfegger and the German period for surgery, in 1943, published this work, as well as in 1944, in a special volume. I do not know this last edition, but I should like to emphasize particularly that I do not know what Stumpfegger actually gave to Professor Sauerbruch as his reasons.

DR. SEIDL: Mr. President, unfortunately it has been impossible to obtain this book of Dr. Stumpfegger's. On the other hand, in 1946, a conference was reported on in a German medical journal, dealing with this work. In connection with this, therefore, I submit as Exhibit Gohardt No. 9, this conference from the newspaper "Clinic and Practice" and you will find it on page 49 of my document book.

THE PRESIDENT: What number did you say you gave that exhibit, Counsel?

DR. SEIDL: Exhibit Gohardt No. 9. Page 49 of the German and English document books. This is a conference reported in the newspaper "Clinic and Practice" and I shall confine myself to reading the title: "Regarding the work of Ludwig Stumpfegger - Hohenlychen: The free autoplasmic bone transplantation in the restorative surgery of limbs, experiences and results." I beg the Tribunal to take judicial notice of the remaining contents of this conference in order to save time and I shall forego the reading of it in its entirety.

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Witness, for the further personal security of the experimental persons did you adopt any further steps in connection with Himmeler?

A. The last conference in connection with all these experiments were, in my opinion, taking place shortly before the third meeting. That is, approximately in April, 1942. There was definite disquiet which had set in because, on one side, I insisted on general publication, as I shall explain to you later and how it came about, and on the other hand, because at that time news had openly been sent to Switzerland - particularly about these patients with the shoulder diseases had relatives in Switzerland so that the facts relating to all our experiments became known. In fact, I had never wanted them kept secret anyway. The camp commandant at that period had made a suggestion that these experimental persons should be transferred elsewhere, and I suggested, and I think actually succeeded in seeing it through, for these experimental persons to remain on the spot at Ravensbruck. This and the knowledge which I had of all these matters enabled me to go before this congress and the experimental persons were, in the future, still taken care of in Ravensbruck and not transferred elsewhere.

Q You yourself, after 1943, did not go to Ravensbrueck again, did you?

A No, I am sure I did not go back to Ravensbrueck after that.

Q Is it known to you whether experimental persons were shot or lost their lives in any other way?

A I have never heard. Particularly before I visited this Congress and after the news had penetrated abroad and after sources abroad had inquired of me, I made specific inquiries of Himmler, and I consider it as being out of the question, therefore, that at that time particularly anyone of the persons concerned suffered serious damage; at least this was not reported to me and particularly towards the end, when the handing over took place and during the conferences with the Red Cross, Himmler right to the end gave the assurance that these conditions would be observed. Whether Himmler could actually judge the situation, considering the chaos reigning at the time, is something I do not know. But I, in good faith, and right from the beginning, informed sources abroad and everywhere else that the experimental subjects remained alive and in the same place.

Q Would you say that according to your opinion, in connection with these experimental persons where operations of that type were carried out, that serious permanent damage was suffered?

A I described the clinical procedure to you earlier and I do not want to go back to it. I should merely like to draw your attention to the two experimental persons who are known to this court. They are the next two subjects who should be talked about.

DR. SEIDL: Mr. President, during the submission of evidence by the Prosecution, an affidavit of Sofia Schulski was submitted as Exhibit 226. This document is in Document Book No. 10 of the Prosecution, on page 50, Document Number NO-873.

Q Witness, I am having this affidavit put before you and I should like you to tell me which operation was carried out on this witness and what the damage was that should be attributed to it.

A With reference to the previous description I should like to be brief. These are surely two matters dealt with by Stumpfegger. I am sure that both originate from October and in that case it is accurately described at the end what course the operation took similar to what I described before, and that there was complete recovery. Schulski says that merely a weak ankle bone remained and Mrs. Baj says that "only when I am walking do I feel a weakness of the toes." Clinical findings do not exist herein and I can only refer to what is contained in these documents and that corresponds with what I wanted to describe earlier.

Q During the submission of evidence by the Prosecution an affidavit was presented from Zofia Baj, Exhibit 227, Document NO-871, English Document Book of the Prosecution #10, page 55. What type of experiment is concerned with in the case of this witness, and what is the damage that should be assumed here?

A I have already mentioned this example once; once again we are here concerned with removal of the fibula as it is more dispensable and it is easily replaced. I do not want to deal with the procedure, I merely would like to refer to the final statement of the matter which she makes, and she says "When I am walking, my toes are somewhat weak."

Q What do you know about operations which, according to the statements from various witnesses, were carried out in the summer of 1943 in the so-called bunker of the concentration camp at Ravensbruck?

A In the connection, according to which, outside of the sulfonamide experiments which we know, that there should have been any such outside operations, I have heard of this for the first time here in court. I am sure that Stumpfegger had already completed his work because he published it in the autumn and at that he sent his reports to Sauerbruch. I myself was not there in the summer of 1943. I was just at that particular time working in headquarters, as supreme clinical surgeon, having previously crashed with an airplane. I think that I can remember accurately although I can't say it with certainty, that the attack at Marseilles where the occupational position of our General Consul Spiegel had been blown up on

the 12th or 13th of August--all I know is that it was in August. At any rate, on or about the 15th or 20th I was in Marseilles, operating on wounded personnel and only now, afterwards, can I reconstruct the case from letters and such documents. Never at any time did I hear details and I want to point out that in the case of the so-called bunker operations the names which are especially mentioned are Drommer, Kinck and Hartmann. These were the camp medical officers of the period, all three of whom are unknown to me. Mrs. Jaszka in her written deposition speaks about the fact that there were scientific experiments made by Dr. Drommer. Her conclusion that I would have to know about them or approve of them is quite wrong. During that period I was not present and there were no inter-connections. May I also remind you that Mrs. Jaszka was in that bunker herself and Fischer, Oberhouser, Stumpfegger and I were known to her and I think she testified that she did not see any one of us.

Q I shall now turn to the Third Congress of the Military Medical Academy taking place in May 1943, which has been spoken about repeatedly here. How did this report of yours during that conference come about and how did Dr. Fischer's lecture come about? What were the purposes which you were aiming at?

A I made efforts because of the extensive pressure and the inference under which all these experiments were taking place; on the other hand, right from the beginning and contrary to Grawitz, I was of the opinion that at the first possible opportunity these matters should be published. Thus Stumpfegger wrote his big book and in the same way I went to this Congress, then I would have gone to the Surgeon's Congress, but I was not proposing to do this--I was not proposing to have myself or my clinic involved in this without submitting the matter to general criticism. In this connection it was my view that we were concerned with completed experiments which were now merely being criticized and were to be exploited. In this connection the entire problem of the previous order and the participants have already been described by me in detail. I do not know, of course, at this point, when Grawitz received the instructions to hold the third meeting

in May 1943, but this must have happened between the November meeting and the May meeting, when it went to the various inspectors of the armed forces departments. They must have received the proposal to assemble their representatives on the dates suggested. At any rate, Grawitz made inquiries to go through official channels, asking me whether I was proposing to participate in this congress and what type of lectures I was bringing along. At that time I had a very detailed discussion with Grawitz and I asked to have this read into the record from the minutes of this congress. I think something happened which has never happened in any such congress--I appeared five times and the entire sphere of work of Hohenlychen is being reported, contrary to the sulfonamide affair, and once again Stumpfegger is not being allowed to talk.

If anyone was clear from the beginning, contrary to many other people that at one stage would have to report about these matters, it was I. I wrote to Grawitz, I insisted in spite of all objections and difficulties that contacts in foreign countries should be taken up and that sulfonamide experiments should be reported and that the public should exploit it. I insisted at the same time that everything, including animal experiments and all the work at Hohenlychen should be shown by me so that an impression could be gained as to what I had said and what I had worked on myself. These matters then went to the person I should like to eliminate for a moment who had to prepare the entire matter. Grawitz got in touch with a man from the army staff and made preparations for the Congress. I know that already four or five weeks before the publication of the program was being sent out.

Following an inquiry of mine, Grawitz in a somewhat peculiar way gave me some information, giving me the impression that it was not for general information, but that we are concerned with looking into the sulfonamide experiments. After a lot of pro and con and personal contacts made by me with the preparing person, at least fourteen days before the Congress and it had to be printed long before then, without of course knowing exactly all the negotiations between all persons concerned, the title, which I demanded was being selected. This title I wish to emphasize particularly. Right from the beginning it stated on this, "Special Experiments," the words "Human Experiments" was not permitted here. I was satisfied with the words "Special Experiments" since no one author could be concoited enough since before reporting to demand more than "Special."

It also becomes quite clear from the publication of that meeting in the directives at the head where my title is being mentioned, it says here at the head, "Special Experiments" by Gohardt and Fischer. This was my right and my promise and this is why all through we met resistance put by Grawitz.

And the question is, "Who is the person through whom all this took place?" I was asked in 1945 who was the chairman, I searched my memory and

I think it is Dr. Rostock, because quite certainly Rostock was the president of the conference.

DR. SEIDL: Witness, you should speak more slowly.

THE PRESIDENT: I did not get the translation as to who you were under the impression was the man with whom you dealt with.

DR. SEIDL: Witness, will you please repeat the sentence?

THE WITNESS: In the previous year I have been asked how the publication happened and I gave the same response as I am giving now. I mentioned as the President, Professor Rostock and I said that I believe that with this person the whole matter must have been discussed. At the end, Rostock pointed out to me, "This is erroneous, since at that time the preparations took place under Professor Schreiber, who had this armed forces staff under his jurisdiction." It was only at the moment when the meeting began that Rostock took over the presidency after the program and the conferences had already been carried out. I am not in a position to say today what the accurate details were. All I can say on my own is that Schreiber as preparatory scientific man of the armed forces most certainly must have distributed the subject to the armed forces. This action therefore must have been taken up in connection with Grawitz and I am convinced that Grawitz and Schreiber were well acquainted with the various differences of opinion regarding the type of publication. This, together with the fact that Schreiber stated in the old trials about my experiences through official service channels, appears to be the evidence that I was wrong. I do not know where the handing of the position of Schreiber to Rostock took place. I only know that I did not give in until it stated "Special Experiments" so that here every reader would see that Gebhardt is trying to show something unusual.

JUDGE SEERING: In addition to the title, "Special Experiments" can I say whether or not any other text or subject matter appears, so that by reading the program for the text would know.....

THE WITNESS: I am sorry I cannot quite understand.

JUDGE SEBRING: Ah, I understand, you insisted at least that the lecture to be given by you would be entitled "Special Experiments"; is that true?

THE WITNESS: Yes.

JUDGE SEBRING: Can you state whether or not in the program that was printed any reference was made to the subject matter of the special sulfonamide experiments, or was the title simply "Special Experiments" in the field of sulfonamide?

THE WITNESS: Under the heading "Sulfonamide", point one dealt with "Special Experiments" by Gebhardt and Fischer, so that everyone who would read this would see that with reference to sulfonamide, Gebhardt and Fischer had carried out special experiments and were bringing them up for discussion. That is clearly apparent from the book here today.

May I please say I can hardly hear the German translation?

THE INTERPRETOR: It is the volume on it.

JUDGE SEBRING: In the German field of medical science.....

THE WITNESS: I cannot understand.

JUDGE SEBRING: In the German field of medicine and research, is there a well recognized and understood distinction between those types of experiments which might be denominated as general experiments and those types of experiments which might be denominated special experiments? In other words, on considering the matter of medical experiments, is there in the field of German medicine a well understood distinction between general experiments on the one hand and special experiments on the other hand and if so, will you please explain that distinction?

THE WITNESS: I do not believe so and of course to all of us up to that time there had been no previous example of this type. I can only say how the argument between Grawitz and myself progressed and I presume he must have passed on exactly the same subject to Schreiber at that period.

Grawitz was of the opinion that publication order should only be allowed as a camouflage and that was because of the stir it would cause abroad. I myself insisted, right from the beginning, on my point of view

and, that is when the struggle about the terms took place. I do not know if the words, "Special Experiments" originated with me or Grawitz or Schreiber. In any event, I was satisfied with it, as this is something which one quite clearly might say on reading it, "It is clear to him that something special is coming now." But, it would not be fair to say that we had special featuring, or that there were general experiments or animal experiments or special experiments.

JUDGE SEBRING: I then understood, however, you being a medical expert in German medicine, you would have understood by reading that notice or pamphlet when you came to the article, "Sulfonamide - Gebhardt and Fischer, Special Experiments" that that was something that was not in the general field, would that have been your general understanding as a person attending, who would be interested in either the convention or conference?

THE WITNESS: May I say that I wanted it to be understood in this manner, but of course I must emphasize also that here, as in the cases of all other congresses, everybody would go there without previously reading the program. They might just glance through the names and say, "Well, let us see what will happen." I, myself, was not particularly agreeable to the word "Special" because it was not characteristic enough to my liking, but it was the only one I could achieve that would be clear for publication.

If anyone thinks deeply or clearly or adopts an adverse feeling toward me, what is the special thing that is going to break, what is behind it and I can also imagine that somebody might have said, "Gebhardt, of course, is going to speak about sulfonamide experiments," and glance over the question. My reason was to point it out clearly and unmistakably.

BY DR. SEIDL:

Q Witness, during this Congress Defendant Dr. Fischer then talked about the results of the sulfonamide experiments. You yourself had spoken the introductory words to Dr. Fischer's lecture, which of course have been mentioned repeatedly. Will you please briefly mention the contents of your statement you made at the time.

A Perhaps in order to make this point perfectly clear, having the wish on one side to show my way, whereas on the other side I do not wish to implicate anybody, that is, when I may unjustly implicate, may I say first of all that previously there had been continuous correspondence between myself, Grawitz and, as I now know, also Schreiber. Grawitz received from us--and let me put this right in the beginning, approximately, during December or January, but of course, I cannot tie myself down to weeks--Grawitz received from us the final reports about the experiments in Ravensbruck. This contained the entire clinical procedure, including the 15 names of men and the 60 listed women by names or numbers -- that is something which I cannot say now--and what had been done with them, and to what extent they had clinically survived. This must have taken place approximately in December or January, because I had this in my hand in writing during my argument with Himmler. Then followed during the time between January and May, that is to say, I would assume probably sometime during April, it was our practice to report our subjects and what we were doing to bring them along.

At that point I gave Grawitz detailed information in the sense of the outcome of my experimental subjects, that is to say, how the three groups were listed--the first group of people, the second group of 36 women, and the third group of twice 12 women, together with exact clinical details and all conclusions drawn, which I described so accurately yesterday.

This detailed information Grawitz had at his disposal when he negotiated with Schreiber. Subsequently there were inquiries regarding the type of publications proposed. Whether Grawitz was trying to drop this subject altogether, or whether he was trying to introduce me in a camouflage way--

all these are things which I don't know. But I continued to insist that this would be specially announced in the program under the heading of 'Special', and Grawitz had this information.

Schreiber states that he received the information through official channels but of course during the conference itself I myself was not present. On the other hand, I visited the Congress and during this Congress itself--and I want to repeat this--the program showed the subject 'Special Experiments.' I don't think I had exchanged greetings with Rostock because I was just coming from Hohenlychen, and there was the introductory speech made by Mr. Handloser, and then according to the program Fischer was supposed to speak.

Purely scientifically speaking, the custom then would have been that I would have produced the summary at the end to go with its clinical values. But particularly these internal arguments and difficulties had taken place, and particularly because my conflict with regard to all these experiments was such, and particularly because I wanted to come out into the open clearly and openly, it then happened that I spoke the corresponding introduction which I improvised without informing Grawitz previously, or the President. So that under no circumstances could an misunderstanding prevail or that an assistant of mine could suddenly be facing the matter at the front alone. As far as I can remember, I spoke my introduction clearly, but because of all the inquiries, and interrogations, and stories told, I can only say now what I think I said, something which I almost have forgotten myself. Anyway, in the front, in the center, sat the man who represented the order, Grawitz.

So that no doubt could arise that there was an order, and that the source representing that order was present, my introduction commenced with the words "By order of". Briefly, I shortly described the situation regarding sulfonamides and regarding the experiments as well as the successful results--I am now thinking of animal experiments and the tremendous value they had for the front. According to my recollection I clearly stated the following:

"By order experiments were carried out on people sentenced to death giving them the chance of survival in such experiments as could be properly utilized."

The legal side of the question is not up to discussion here, but I, on the other hand, as the person ordered to carry them out, assume the responsibility for the scientific value and the humane carrying out. That was most certainly the sense of my declaration, although today I cannot refer to each word individually. Quite certainly political was never mentioned since that about makes sense, now don't I know just how I qualified the legal question -- I am sure that that doesn't play an important part in this connection.

It was my own view personally that I said "Only on people sentenced to death," but Fischer's opinion is that it was said, "On people sentenced who came from concentration camps," and I think last year I did not mention the words "Concentration Camps." Perhaps, if necessary, I will repeat it here or is this enough? That was my introduction.

And then the lecture began. And it was becoming clear from this story, which I might emphasize right now, that this completed experiment had been carried out on 75 people. We had three curves, large charts, filling the entire wall behind us, and recognizable. We were to begin with Group 1, 15 people, because in their case it was not necessary to give a detailed description. In my opinion this was only a narrow strip, just 15 people -- infections, abscesses. Then followed combined the 36 women who were grouped in such a way that, according to my recollection, the same drug was always shown. In other words, all cypacol treated persons, all cardoxin treated persons, so on and so forth. In connection with this, a description was carried out, according to procedure, which showed minor differences of temperature, such as when eight showed a minor rise in temperature and the didn't, a thick line went up and a thick line went down, according to the custom of projecting into each other such tables. The second group, on the other hand, were those described in general. But it was recognizable

in connection with it what the instructions for these experiments were in detail--the arrangement and procedure, what we had done with them and the result. And on a separate table the two groups of 12 of the last big group were shown. They were clearly shown in such a way that only those two belonging to each other were shown together. I know for certain that special markings apparently made it clear--I think a small knife or something like that, wherever a cut had been made.

Also, the sulfonamide was shown by means of a picture, either showing a small heap of powder, if it was powder, or a small bottle, if there were injections. Furthermore, it pictured equally accurately what the progress was like, clinically speaking. Of course, the three cases of death were clearly shown, so that, in other words--and this is my testimony--the exploitable completed experiment with all its clinical details was shown, as far as it could be shown, in such a manner. And only such places showed groups, summarized groups, where the clinical side of it was insignificant or harmless.

The lecture belonging to it was given by Fischer by speaking about the various graphs. He approximately continued to speak to the point corresponding to what he has summarized already. Then I finally spoke, including the remark that the matter could be exploited, that the matter had been completed, and that the important point was whether the analogy, clinically speaking, which we were making from it--and incidentally this is the reason why I had been so long-winded before hand, speaking of abscesses--whether this was correct as directives and basic points.

This was the situation and the procedure according to the best of my recollection and I think that Fischer will give the very same story in his principle points.

BY JUDGE SEBRING:

Q Can you recollect at this time, General, about how many people were in attendance upon that lecture?

A The participants of the entire Congress, I think, were 350 to 400 people. That is the entire Congress I am now speaking about. Our group

comprised the surgeons, the pathologists, the pharmacologists. Three groups, I think. I think it should be seen from the minutes. I don't think it would be wrong for me to assume that this would amount to at least one third or half of the participants, but in this connection I want to say that I can't say it exactly but I would say that it would indicate 89 to 100 participants, since we were concerned with three groups.

Q Were these private physicians or were they physicians who held offices, military offices of one kind or another, governmental offices within the framework of the Wehrmacht or of the SS organizations?

A It was the Advisory Congress, which has been mentioned here repeatedly. These were the meetings which began with the introductory words of Mr. Handloser, contained in several publications, the advisers of the hygiene establishments, and the representatives of the Berlin faculty. Then of course Mr. Conti was there certainly since I had the argument with him later regarding the type of my address. There was the man who was responsible for this particular order and that was Grawitz. So that we were here concerned with the officially ordered annual May meeting in 1943 of advisory hygienic officers, with the participants coming from Berlin, such as has already been stated about advisory congresses.

Q After the Convention, had been concluded do you know to what extent, if any, yours and Fischer's lectures, and the information that you gave at that convention or congress was disseminated in written form through the framework of the government or the Wehrmacht, and to whom, if anyone, it was made available officially?

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A. In the so-called directives of the advisory congresses, and these are the green folders which we have here containing the summarized reports from each one of these congresses, there is, as is shown by our document and that of the Prosecution, too, I think at the beginning a report of our lecture with the title "Special Experiments". Then follow all the others who spoke about the same, and then finally there is a summary showing at the head of it only the extract quoted by Handloser amounting to about six or eight lines which was an extract from our final results. These books were then sent through official channels in such a way as described by Handloser about six months later together with the complete contents of all the lectures given during this congress, or, at least, the important lectures. I am not sure just how many were included; and they were sent to the advisory medical officers and the service departments concerned, but of course, the distributor in detail isn't known to me.

DR. SIBL: In this connection, Mr. President, I would like to submit Exhibit Subhardt No. 10, extracts from the report on the Third Meeting. It is on page 22 of my document book. The heading shows that this took place on the 24th to the 26th of May 1943, and I beg the Tribunal to take judicial notice of the index, and I now turn to page 23 to which I will turn as an exception because it deals with the important context. I quote:

"5. SS-Gruppenführer Major General Professor Gebhardt and F. Fischer.

Special Experiments on Self-healing Treatment

Conclusions:

1. The development of a suppurative infection in the soft parts caused by bacteria cannot be prevented, even if sulfonamides are applied intensively, locally or internally.

2. It could not be proved that the course of an inflammatory illness caused by aerobic organisms in abscesses or phlegmons of the limbs was influenced by sulfonamides. We were of the impression that a combined general therapy took a milder course under the influence of sulfonamides.

3. Surgical measures are indispensable for a successful treatment of

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inflammations.

Additions Remarks:

The sprinkling of sulfonamide powder on wounds can be injurious if, by so doing, the fundamentals of surgery are infringed. If, for instance, the powder basis is not dissolved by the tissue fluids, and if the discharge of secretions is hampered by coagulation. The wounds treated with sulfonamide powder show a slight tendency to exudation.

Hypothesis of Functions:

The inflammation on the medodermal soft parts shows at an early stage a tendency towards necrosis. The necrosis is the seat of the bacteria culture. Its surroundings show thrombosed vessels. Access to it by chemotherapeutic reagents is very difficult."

Mr. President, I beg you to take judicial knowledge of further reports or further lectures contained in this report, and I shall now turn to page 29 which contains the discussion about these experiments which has so frequently been mentioned. I shall quote from page 29 of the document book discussions.

"Sauerbruch reminds us of the chemotherapeutic experiences of the World War. He does not want to reject the sulfonamides, but wishes them to be judged more reservedly and more critically.

"Schürcher" -- also a professor of surgery -- "considers the effect of tincture of iodine, rivanol or phenol creosote to be better.

"Bichler" -- professor of surgery from Vienna states that "3.7% wound complications were observed in the Vienna Accident Hospital after the use of sulfonamides, before their introduction, 7%.

"Haubner" -- who was professor of pharmacology at the University of Berlin states: "Transitory products which are created in the organism participate in the effect of sulfonamides.

"Uschell" -- professor of surgery at Tübingen: "It cannot be denied that sulfonamides have a therapeutic effect.

"Krüger" -- professor mentioned repeatedly, surgery, Berlin, states:

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"The exact surgical treatment of the wound is decisive, but so also is the early prophylactic use of sulfonamides."

"Schoenbauer" -- also professor of surgery, Vienna, states: "Sulfonamides are particularly valuable for infections of the urinary system and for meningitis."

And then finally Professor Schulmann, professor of pharmacology at Bonn says: "The effect of sulfonamides does not depend on their nature but on their surroundings."

Mr. President, on page 30 of the document book, you will find the directives which have been so often mentioned. I shall merely quote the first paragraph:

"Directives for the Application of Sulfonamides."

"Experiments (Gebhardt-Fischer) showed the following results: Even the immediate internal and external application of sulfonamide preparations cannot prevent a suppuration of the soft parts due to ordinary septic organisms. It could not be proved that the course of the inflammatory disease caused by anaerobians is influenced by sulfonamides. The sulfonamides seemed to have an easing effect in the course of combined gangrene therapy."

JUDGE SEBRING: It is not quite clear to me about this directive for the application of sulfonamides. Who was the author of that directive? Are you prepared to say?

DR. SEIDL: The directives contained in page 30 of the document books were testimony by the testimony of Rastock, and Defendant Handloser sent to indicate to me that these various lectures came up for discussion. Since, however, we are dealing with statements of a certain kind that happened in the past, I myself would prefer it if witness Dr. Gebhardt would personally define his views regarding the content of these directives.

Witness, you have understood, I believe, the question of the Tribunal?

A. Yes, May I ask permission to state in great detail and quote exactly here what each individual knew and to what extent individual sources participated in the matter, because, first of all, of course, the point is that,

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of course, I am telling the truth, and, secondly, that I, the German officer, am making efforts to save German reputation within these limits, and, thirdly, that all the evidence is not only printed but has reached foreign countries either complete with all the diagrams or partly, at least, probably has reached the hands of the Prosecution.

The realization of these experiments took place without any participation of the German Armed Forces. There was this direct order according to the description which I have given and within the responsibilities which I myself have assumed. The coercion leading to the publication against all the interests and sources of the SS is something which I claim to be a merit of mind. I am perfectly convinced that the armed forces weren't in any way interested. Maybe they might have been pleased if we hadn't turned up. On the other hand, I insisted that a completed experiment would only have its justification given to it if subject to a clear description of its progress. One would submit it is a source up to then not concerned with the matter at all, the entire picture together with the question: are the conclusions which I am now making, and is what I am introducing for thousands of SS men -- is that right or is that wrong? In which connection, of course, I also had the personal wish that my name should have the protection of experts and that the State should be forced to recognize publicly the emergency in which I found myself. That was the manner in which I described it to my friend in Switzerland and everybody else. How a publication was painstakingly achieved afterwards and what the type of the lecture was is something which I hope to have described to the Tribunal clearly.

Now following this we are here concerned with a discussion, and so that a horrendous picture could arise from this discussion, a clear outdividing line must be drawn as follows: four medical representatives spoke about the question of sulfonamides. As far as the experimental part is concerned which came entirely outside of our programs, namely, Gebhardt-Fischer Gebhardt-Fischer spoke. As far as the clinical part is concerned, in other words, the usual procedure of inquiries to various hospitals such as

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Professor Frey without any connection to me on his own, and then as far as the pathological part, the judgment of bodies and so on and so forth is concerned spoke Professor Arikergast and then another expert also spoke, but he spoke independently. The audience had all four speakers, and the remarks made by the German colleagues over all the time during the discussion deal with and refer to the individual subjects. The only reference made directly to me and my experiments was made by Professor Schreuss, according to my recollection, something which you can also see in the document book, and Professor Heubner, the pharmacologist. All the others spoke more or less about the pathological and clinical and pharmacological part, but, of course, I must also add and mention that as far as these completed experiments which were submitted to criticism were concerned, no one did raise any criticism to the effect that they were scientifically speaking without value or that humanly there had been failure to carry out the final security measures.

On the other hand, there was no other speaker who spoke about our subject in addition to the two names mentioned, namely, Schreuss and Heubner.

The excerpts from all these speeches and the directives usually are compiled in such a way that under the President, Professor Rostock in this case, every lecturer once more supplies his lecture, and that after that there is a little argument about what is to be included, and that finally in a summarized excerpt the final result is pictured.

It is my duty to draw your attention specifically here to the fact that in this case there is a difference such as is shown by these directives. In the case of every other department, each other sphere such as hygiene, and so on and so forth, you can see that at the end without the mentioning of a name, directive appear in extract of everything that had been mentioned, of course, always under the presidency of the President of the time. In our case there was a similar situation as far as the other surgical lectures are concerned, something which I know exactly because I still give on their five lectures or five other comments, and we did meet under Rostock's:

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chairmanship, and as is apparent, we did compile the summary.

The sulfonamide story was so much outside the usual framework of our experiments that a type of description was chosen in which names were mentioned clearly separated from each other listing everybody in detail, and at the end, then they are summarized. I can recollect that the situation was that we ourselves summarized our text and submitted it to the office, the reason being something quite external.

JUDGE SEBRING: You say you submitted it to the office. To what office? "to the office."

A. To the office. There was a congressional bureau. There was a difference as far as we were concerned since sulfonamides were not a summary for all surgical departments. A surgeon had been speaking freely, and I, as the experimenter, was under Rastock's jurisdiction. There was a pharmacologist; I am not sure under which department he came. There was a pathologist, and he again was under somebody else's jurisdiction, and then I think someone from nerve medicine even spoke, so that there were five completely separate departments who hadn't met during discussions, and to my recollection, the situation was that each participant summarized his extract, that is to say, the surgeons; the pharmacologists -- all the various departments -- and then they submitted that to the congressional office, the office in the congress.

I cannot remember, and I can state this under oath, that any criticism or any special discussion or conference took place with reference to sulfonamides, certainly not under Rastock's chairmanship.

JUDGE SEBRING: Then it is quite clear to you that at that conference you made it plain to the gentleman assembled there that your experiments had been conducted upon human beings and not upon animals, is that correct?

A. Oh, yes, that is absolutely correct, and it is confirmed, of course, by Professor Frey's statement, who was the official speaking after me. He says clearly and expressly that he heard that completed experiments on human beings which had been sentenced were conducted. He only adds that today he does not approve, so the man who spoke directly after me, but who

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quite independently heard my introduction, something which I must emphasize here in order to protect Fischer, that matter was unmistakable. The only thing is that I cannot swear to the word "concentration camp", but it must have been clear that there was an experiment carried out on seventy-five people.

THE PRESIDENT: The Tribunal will now recess until one-thirty.

THE MARSHAL: The Tribunal is in recess until 1330 hours.

(A recess was taken until 1330 hours).

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 6 March 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

KARL GEBHARDT - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL:

Q. Witness, before the recess we were discussing the third meeting of the consulting physicians in May 1943, and in connection with that report with regard to the sulfonamides, together with Oberarzt Dr. Koestler, who spoke about nerve injuries, this report have anything whatsoever to do with experiments on human beings?

A. My previous testimony as I have already pointed out, was that all remaining reports at this conference were limited to purely clinical experiments or experiments on animals. In order to state it very briefly, and may I submit some evidence in writing, I discussed the small joint operation in contrast with Stumpfegger, and together with Koestler I made reports and then I have reported about the X-ray pictures and adjoining experiments with animals, and that we made descriptions which show that we only supported ourselves on a clinical basis on animal experiments.

Q. I now come to the fourth conference of the Military Medical Academy which took place in Hohenlychen. The prosecution has presented an excerpt on this subject and how was it this meeting took place at Berlin and not in Hohenlychen? I would like for you to give a brief answer to that question because the other defendants have already made statements on that subject.

A. I can only confirm that around that period of time I was the president of the surgical society, and that, because of the danger of air raids, the locality for the meetings had not as yet been determined, and especially the medical officers from the front were to be given good billets, so that on my own initiative and without any orders, I offered Hohenlychen to the Generaloberstabsarzt Handloser.

Q. In the report about this conference demonstrations on a special field were mentioned. What was the field?

A. I did not even give a lecture at all. However, I placed my whole clinic at their disposal and above all we demonstrated the sports which were done by the disabled and wounded.

Q. In the course of this meeting did anybody talk to you about experiments on human beings?

A. I have not had any discussion with anybody

neither with regard to the previous conferences, nor in any now connection, and in our surgical program nor such experiments were mentioned. Otherwise, I had to take care of the organizational questions for three or four hundred people and this kept me fully occupied.

Q What other conferences did you attend during the war?

A I did not attend the first and the second conferences; but the third mentioned the sulfonamides and the fourth was at my place at Hohenlychen. That was the general conference which took place.

Q May it please the Tribunal, I now come to the discussion of those experiments, in which the defendant Gebhardt was not directly participating, but in which the indictment charges him with special responsibility. The first two documents to which I refer are located in Document Book 6. They are sterilization experiments and these are exhibits of the Prosecution No. 216 and 215. The documents are located on pages 56 and 60 of the English Document Book. I am now handing these two documents to you, and these are are two file notes which the defendant, Dr. Rudolph Brandt, compiled, and which quite apparently referred to that same conference, that is the conference which took place in early July, 1942, and which you have already mentioned with regard to the sulfonamide experiments; and now I would like for you to tell the Tribunal who was present at this conference and what subject was discussed there and what agreement was reached.

A May I say in advance most certainly I did not have anything to do with sterilization experiments, and I did not attend meetings in which sterilization of Jewesses was discussed. The uncertainty and the change in this file note, which was made later on, I believe results from the fact that it is a notation which was compiled on two occasions when I remained behind, in order to discuss the execution of the sulfonamide experiments, at Ravensbrueck with Inspector Gleucks and in order to see that men were to be sent into the womens' camp. I have already stated last year that, without knowledge of these documents, at these conferences I had to oppose a plan of Himmler to establish a big research institute here from the very beginning; and it was ordered that this was to be connected with some woman physician,

without, of course, being able to remember any details. As far as I can remember, the situation was as follows: At the first discussion there was Grawitz, Glauks, and I, and that here, as I have already described, it was decided that the experiment was to be begun with men and that it was to be carried out on a small group. It is correct to say that Himmler then called Gauberg, who wanted this big institute with regard to hereditary questions and who wanted to become a member of my staff. This was impossible from the very beginning, because we were occupying ourselves with men and because we had agreed on this little group only. I can still only remember that Gauberg also received a research assignment. On the other hand quite certainly in the second part of the discussion Grawitz and I were absent and I believe that this is also indicated by the letter which arose from this file notice and which then several days later was directed to a different distribution and not to me. The file note in this form is incorrect.

Q The defendant Dr. Rudolf Brandt was not present at this conference?

A No. May I perhaps say that to my knowledge the reports are compiled in such a way, that the men which are ordered to see the Reich Fuehrer Himmler go by way of the adjutant Grothmann. He has a list of the names there and it is shown in what order were to report. As far as I know this list reached Brandt in the evening. It also contained additional notes by Himmler, which were written on a scrap of paper if he didn't reach immediately a decision. Apparently Brandt only wrote the final letters which he wanted to compose by himself. Brandt certainly did not attend our discussion.

Q In the same Document Book No. 6 there is on page 1 an affidavit of the co-defendant Dr. Rudolf Brandt. Prosecution has presented this document as Exhibit 141. It is document NO 440. In this affidavit it is stated under paragraph six, "Dr. Karl Gebhardt apparently carried out surgical sterilization in the camp of Ravensbrueck". Is this statement correct? Was it necessary for you at all to carry out surgical sterilization experiment, and were you yourself interested in them, or was this only a general surgical problem?

A As a specialist I did not have any special experience in this field, nor the desire to improve my knowledge. The problem was not discussed at all from the surgical point of view. And, the uncertainty of all statements by Brandt - that he knows that I was there during those days, that something that was discussed - possibly still remembered the location of Ravensbruck but it is important that he did not mention the experiments which began continued for three months, the discussions between Grawitz and myself, and the report to Himmler. He does not mention those things at all. I have never occupied myself with sterilization.

Q The next document which I intend to submit to the witness is contained in Document Book 11 and is on page 57 of the English Document Book. This is document NO-409 which has been presented by the Prosecution as Exhibit 249. It is a letter from the Physician-SS Dr. Grawitz to the Reich Fuehrer-SS Himmler of the 29 of August 1942.

It refers to the bio-chemical treatment of sepsis. This document came to your knowledge; didn't it? And this is shown by a note by you which reads as follows: "Seen at Ravensbruck on the 3rd September 1942.

Signed Karl Gebhardt."

did you know beforehand of the execution of these experiments and did you agree with them?

A I did not have any previous knowledge of these experiments and especially with regard to this document may I state somewhat more in detail what it shows. This is a letter to Himmler. Dated the end of August, and it was signed by Grawitz. It was never mentioned that I was to receive this letter or that this letter was to be routed through me. It does not have any note from me that I countersigned it, or was in agreement with it, in this form. It was not only discussed in Berlin, and, in particular, on the 3rd of September where this discussion took place between Grawitz and me, because of the second group of our sulfonamide experiments. Grawitz, who at that time came in order to show us that he was not in agreement with us, as far as I can recall, brought this description along from Dachau, and we discussed it in detail, because on my part there were many reasons to raise the sharpest protest against it. And, may I point out how much it can be seen from this document how Grawitz planned to publish experiments or describe them in contrast to my procedure. I was gone at that time. Under the point which states, "SS-Hospital, Dachau" - and it actually looks in general as though this were a hospital report. And, most of the case histories also speak in favor of that which I mentioned here. For example, the reference in point 3 to a "joint plastic". It certainly is a big operation which can certainly only be carried out in a hospital. On the following page there is "artificially inserted sepsis". On the second page, the cases of sepsis on the most part were artificially provoked. Then on the other side it is stated that in fatalities we do not have cases of sepsis that were artificially provoked, but ten are mentioned. And, I have proved to Grawitz, that especially on this page how he wanted to describe a

mixture between experiments and clinical results and camouflage. Later on when somebody reads it and comes to the word "artificially provoked" then he cannot decide it any more. Then there was a point with regard to all persons concerned. This was the impossibility to carry out this experiment in accordance with this statement, because it is stated on page 3 that the drugs were to be taken every five minutes, even at night. At the time I didn't even think to give the report to Grawitz. Then I drew a logical conclusion with regard to Himmler and Grawitz in which I not only in this connection concluded Grawitz's influence on our experiments, but I also turned to Himmler and asked him how these bio-chemical experiments were brought about. I requested permission of the Tribunal to permit me to describe the manner of thinking of Himmler with regard to such experiments, and to draw the conclusion from this how impossible it was in certain cases, in spite of obtaining knowledge of it, to effect any change. For, a person who has studied school medicine it is impossible to believe that through homeopathic way of giving of sulphur and phosphorus surgical case histories, like internal case histories, and metabolic disease, can be influenced. However, in medicine one can take a completely different point of view, and that is the basic conception of bio-chemistry up to homeopathy to which Himmler completely adhered. And we have two sentences where it is described here, that all the elements, that appear in nature, also have traces in the human body. Now, if one small element is lacking, then a human being is suffering from some disease or other. Therapy and manner of treatment of the bio-chemist is the exact contrast of medicine as practiced by a person who has studied it at school. They make test experiments on human beings, and they discover what element is lacking in that human being and no matter from what disease he is suffering the patient is treated with minimal doses of the element which he lacks. Never in the world has it been possible that a typical school practitioner and a bio-chemist have agreed because they want to treat the human being completely in contrast to each other.

from this example you can see now that when I came to Himmler, what madness it was that not only in experiments, but also with patients, ten or twelve different cases should be treated with the same medicine. Then Himmler told me he has one of the most experienced bio-chemist, and a layman, Mr. Lavo. And, that is absolutely convinced that this manner of treatment is correct. And, Himmler always attempted to discover old fashioned forgotten remedies, and this experiment, in spite of my objection and in spite of my proof that my surgical patients would suffer from it, was executed for such time until I succeeded in bringing Dr. Lavo and Kieselwecker from Marburg, who had all of Himmler's confidence in this case, these two went to Hohenlychen, and then to make a similar experiment with them on my patients, in order to show that this manner of treatment was not possible. But I was not able to achieve my purpose with Himmler, because afterwards it was said we had not applied the medicine properly, and so on. Therefore, I request one can conclude from this, that it was not so, that Himmler adhered to one certain medical concept, and that, if one accidentally heard of some fitting experiment, one could convince him.

Himmler had a hostile attitude toward school medicine, and from natural science to biochemistry he was accessible to every thought, and when Laue convinced him of the fact that this drug was of decisive importance, then the experiment was carried out. May I state in that connection, that the knowledge of this document had the following three results with me: That Grawitz, who was ready to make up compromises as is shown here, did not allow anyone to tell him anything at all about the sulphanilamide question; that I gave Himmler clear knowledge of the false idea without being able to convince him, because of his favorable attitude toward biochemistry; and that the experiment would perhaps be discontinued, mainly on account of subsequent examinations at Hohenlychen, and I shall give evidence of that as soon as I receive the appropriate testimony of witnesses.

Q You are also charged with special responsibility in the freezing experiments ---

DR. SEIDEL: May it please the Tribunal, the next document which I will hand to the defendant is located in Prosecution Document Book III. It is on page 108 in the English text. It is Document No. 314, three one four. It was presented by the prosecution as Exhibit 98. It is a letter from the defendant Rudolph Brandt, which he wrote on the 13th of November 1942 to Dr. Gebhardt. In this letter he notified him that the Stabsarzt of the Luftwaffe, Dr. Rascher ---

THE PRESIDENT: Counsel, will you please again refer me to the page of the English document book No. 3, on which the document is found?

DR. SEIDEL: It is in Document Book No. 3. It is located on Page 108.

Q This letter states Dr. Rascher is to report to you. When did Dr. Rascher actually report to you, and did you know him before?

A I have never seen Dr. Rascher until May 1943. I did not have any contact with him. I was not a member of the Ahnenerbe, and did not have access to any of the special scientific institutes of Himmler. I was not in the so-called circle of friends of Himmler, which financed the whole thing. However, at sometime or another I received this letter and waited

for Rascher to come and see me. In this report both of the two experiments are mentioned, without any further documents. Furthermore, Himmler addressed me as a surgical adviser, and mentioned a visit to Finland. At that time I did not go to Finland. That was the time when the last experimental group was under way. Then for a short period of time I was at Stalingrad. I was in such condition I lacked all interest at that time. I did not take any action on this and cannot remember the letter, however, I am quite certain it reached me. But Rascher came to me in the spring of 1943.

DR. SEIDEL: The next document which I am going to hand to the defendant is also contained in Prosecution Document Book III. It is on page 140, in the English text. It is Document No. 241, and it is Prosecution Exhibit 113, one one three. The subject of this letter is the Notification of Rudolf Brandt to Rascher, that he is to establish contact with him, and that you have already received a report from Rascher about the cooling in air.

Q What was the contents of this report? In this connection I would like to add that this report was not presented by the prosecution.

A At the time I received the so-called Rascher sheet of experiments collected for the front, which formed the basis for our discussion, that is by means of dry cold experiments. At the time he made certain suggestions to Himmler with regard to the troops at the front, and this report does not contain anything new except the warm baths and this had been used previously. This document, which had been already mentioned, I received the report, no fatalities or anything much was mentioned. On the other hand, writing about freezing experiments on human beings, I did not know of it. Later on Rascher came to see me on this subject.

DR. SEIDEL: The next document which I am going to hand to the defendant is located in Document Book III, on page 145 of the English text. It is Document No. 231. It was presented by the Prosecution as Exhibit 116. It is a report by Dr. Rascher to Sievers. It is dated the 17th of May 1943.

Q In this report we see first of all that you treated Rascher very

badly in the morning, and that you stated toward him that you would throw out a student in the second semester if you gave him such work, and that you further told him that at 3 o'clock in the afternoon he could again leave by train for Berlin. On the other hand it is apparent that in the afternoon of the same day you received him once more and were in much more of a conciliatory mood at that time. Now, what caused this difference in your behavior?

A I believe that I can only remember the main situations of this discussion, and of course it did not exactly take the course which was decided by Rascher, because he had the possibility, I not only said it here, to not only hand his letters to Himmler directly, and have two copies with any objection Himmler was already informed about the whole question. On that occasion I saw Rascher for the first time. Two days before he went to the Third Conference, and from all my conflicts and disputes with my experiments, and now finally the Stabsarzt came to see me from the Luftwaffe, and who first of all brings along a surgical work on the basis of experiments in my field, which was to be recommended to the troops at the front. And it was so stupid aside from the experiment on human beings, that something like this could only be suggested at home, and Rascher, I know, this, was in contrast to the customs of the German Wehrmacht. He recommended joint bathing facilities for the front, like Sauna baths, and I know a scheme like this would not be carried out in the East. Rascher did not have any experience in regard to the warfare in the open, and then subsequently he carried out the experiments on his own initiative. For the infantry warfare in the East he constructed tents, which I objected to from the very beginning; second, it can be seen very clearly from this letter that I was of the opinion if he wanted to become a surgeon on my staff, then he could be under the orders of the consulting surgeon Gebhardt and from there under Grawitz, and from there under Himmler. However, it would be impossible that by way of the Ahnenerbe that he could submit suggestions in regard to troops. In addition to this he had received surgical training in the same clinic I had attended at Munich, and

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had attended any surgical training at the front. He wanted to rehabilitate himself as a surgeon, and I, as professor, was to help him achieve that purpose. It can already be seen by the statement from Rascher with my energy at the time I have tried to obstruct Rascher in all directions, because of the sheet which he submitted, because of the experiments, in everything he tried to do.

Curt I

Now, when he was finally able to say a few words at the end and, finally, he lifted me out of the saddle and then he emphasized in his planning that everything that he had done, the whole experiment had been ordered by Himmler and that this had only been planned by a few people with him. I believe this was the cause of a telephone call of Grawitz, intervened in some manner, and that the whole thing suddenly was sanctioned and what I had been promising him - that he couldn't habilitate in this manner, and everything for which I had reproached him was suddenly being covered by my superiors. And as I did not trust him, did not know him, I called Grawitz during lunch time and now the situation had, of course, changed very much. I know for certain that Grawitz told me that the whole thing was somehow the desire of Himmler but he said, when I asked him: "How far are you involved?", "I cannot say that." In any case, the situation was as it would be for any officer. If I see that my chief approves something which I consider impossible then I was unable to argue with my subordinate. But I let him go and it seems rather improbable to me that I was as kind to him as stated here if I had a discussion with Grawitz and Himmler about this Rascher. Therefore, it can be explained what advance work Rascher did with Himmler in regard to his visit with me and already, since he was involving Himmler, every object was impossible. When he speaks of my addition - as if no man in the world would have liked to have Rascher as a subordinate, and he limits the question that he should remain with the Amenorbe and that he did not want to come under my authority. That it hits Himmler at this point - I may point out the exact spot here in paragraph 3 in which he states that such methods which break with previous clinical experiences cannot be tried out, and when he speaks about the school in my case. That is, he tells Himmler everything which he has to tell him in order to have him - recite this. "Here is a man from a University; he only believes in the school medicine and that we were not modern enough" and he again approaches Himmler with his ideas by means of this letter. The result is that he is transferred to the detention but that he also remains with the Amenorbe. That is, with out any control

on my part, he remains there as a surgeon. Grawitz was very cautious towards him from the very beginning in the direct reports to Himmler.

Q And subsequently what was your contact with Dr. Rascher? Did you never write a letter to the Defendant Brandt where you discussed the work of Dr. Rascher and where you stated this work was done very superficially and it first would have to be evaluated?

A In this argument I demanded that he should send me the basis of the previous medical work he had done. The whole report seemed so strange to me that I wanted to see where he came from. However, at the end he already stated that if he could not habilitate as a surgeon on my staff, then with his other secret experiments - I can state here under oath that I did not have any documents about that and I would not have any documents about that and I would not have taken it upon myself to evaluate them afterwards - and as he writes himself that he could have a position with Dr. Pfannenstiel by the sanatorium and then he was cautious enough not to submit the documents to me which I had demanded and somewhere in the document he hints that the documents were underway and he gives a very short description of his surgical work. Then he admits that this was only a short intermediary report and while there were previously submitted to Himmler, as instructions for the troops - that is, as a decisive report - and that he would work out the details as soon as he obtained the necessary equipment. At the time, it was clear to me, and I believe that I contributed to a great extent that Rascher was unable to carry out the next experiments until wintertime and if I had had my way he would have gone to the front. He did not habilitate either and after his visit to me his chances were absolutely nil.

Q The next document which I shall hand to the defendant is located in Document Book 11 of the Prosecution. It is located on page 19 of the English text - page 19. It is Document N). 612. It is Prosecution Exhibit 241. It is a letter from the Defendant Rudolf Brandt to the Defendant Sievers. It is dated the 29th of September, 1943, and he refers to the blood clotting drug, polygal #10, and amongst other things he stated, and I quote:

"The latter Polygal #10 did not develop as quickly as you and SS Hauptsturmfuehrer Dr. Rascher expected. The Reichs Fuehrer SS has Gruppenfuehrer Professor Dr. Gebhardt. He allowed to become convinced that, for various reasons, it is still necessary to make thorough tests at Hohenlychen which are previously to be discussed by SS Hauptsturmfuehrer Dr. Rascher with a competent physician at Hohenlychen or SS Gruppenfuehrer Dr. Gebhardt personally. I shall also write a few lines to that effect to SS Hauptsturmfuehrer Dr. Rascher and I shall ask him also now to remain objective and cool because things cannot be done as quickly as he originally thought."

What impression did you have of the blood coagulating drug polygal and what way was it tested at Hohenlychen?

A The drug Polygal - I believe that was the occasion when in November, 1943 I really discussed the whole question of experiments with Himmler and I request permission that I can state here clearly and also that I can describe what possibilities I had in all of the experiments and also with regard to polygal. It was never so that at the beginning, in the execution that I had any part in the way this question was asked. I was not the distributor either because otherwise I would not always come too late and not go in such wrong ways. However, I have already shown some occasions where with the frontal surgeons these things were done. The same thing was the case with polygal. In 1943, polygal was most certainly sent to our field hospitals and to some of the hospitals at home. In any case, I found this blood coagulating drug somewhere and I know for certain that I heard a reason which caused me to object to this drug from the very beginning. Then when I discovered that Dr. Rascher was involved, then in November I took action. Dr. Bostock has correctly stated that for surgery at home, which is called aseptic art surgery, it was an involved problem to find better drugs in order to facilitate the operations. I also want to state that this drug was better than the others, as I saw in subsequent tests, and that were sent to us in 1944 were a major improvement over this art surgery at home.

However, at the front it was recommended to us differently and, through an accident, I heard that Himmler thought and that this was described as a patent medicine for the front. Himmler always had a very primitive thought. He wanted to have all drugs to enable his troops, even if not totally injured, so that they would come through the combat without severe results occurring. He was trying to give them a patent medicine so that they would not catch any contagious diseases. Now, all of a sudden, the idea had come to him that a man at the front could not bleed to death any more if previously he took the polygal tablets. That is an idea which, of course, is stupid because the bleeding problem does not even exist at the front." That was in the Middle Ages and since that time we have mastered the bleeding and the man dies from shock and infections the big bleeding is a mechanical problem. If a big pipe suffers a hole and a lot of blood spurts then it does not make any difference if he bleeds a little or a lot because he will be dead in a few minutes. But I had the idea that Himmler had to be convinced differently. I used this occasion of patent medicine at the front in order to discuss with Himmler this whole question of experiments. And with this surgical example could not talk about homeopathy or biochemistry or any other witchcraft. And I forced him to finally, in my surgical field, to stop all experimentation and, above all, to prohibit Rascher from carrying out any experiments. The most important part in this document is the conclusion.

The good Brandt, who always had to pass on the general feeling without putting his own personal attitude into it, had to be the intermediary so that Rascher would not come to me without warning: He was to be careful and he was to stay on the subject, he was discreetly given a reference to a specialist with whom he was to discuss the subject, so that I would not do him any harm, and the opportunity is given to him to perhaps discuss the whole problem of carrying out any further experiments. At that time the whole experimenting by Rascher came to an end. I have the impression, and I do not want to argue here, where my influence started and I cannot say either what my influence was, but I intervened in the problem of the experiments, and by sacrificing my person and my name I still managed to achieve a definite order as far as this can be said of such a terrible field. However, I did not sit there like a fat bee, as the Reichsfuhrer-SS said in one translation, and I did not suggest how thousands of people could be killed through useless experiments. At the time I told Himmler what I believed in for the future, and therefore I am proud that I even forced a man like Himmler to introduce a certain order by proving to Himmler, by means of this example, that naturally it had to be recognized by us, and I have already paid for it, that the order and the decision in the totalitarian State is given by the highest authority; However, that it is completely out of question that individual men, without knowledge of a specialized subject, can approach Himmler, and that he decides about the experimentation. In this discussion, and I beg that this be believed, he also had very good arguments on his side. Of course it was not so that Himmler only caused damage with regard to the experiments. Himmler had a very simple method of working — without consideration to the fact whether it was decent or cruel. In all the fields, where former experience had been accumulated according to the literature and according to the human sciences, he assumed that something could be discovered here and immediately told one or two people that this task had to be carried out. For the most part, whenever he used two or three people for that purpose, he did not inform them of the other's work, so that he would have a result which

was not influenced in any way. Of course, he did not only occupy himself with medicine. For example, may I point out that he had dealt with the whole question from porcelain to gold and this was tested in Germany, amidst great ridicule, and in the end a porcelain box was finally manufactured which was free of any faults. He interfered, moreover, in diets, and the SS was the only unit which obtained food like the English and the Americans, for example that in the morning they would receive porridge, that they would receive oatmeal, and that they would receive their own mineral water. Experiments were, in part, terrible; all of a sudden whole frontal divisions had to drink water only. There was much resistance. On the other hand he established quite a few good things. Concentrated foods and vitamin foods, without any doubt, first originated with the SS. The camouflage jackets, that is the camouflage suits which were given to the troops, also originated with Himmler. The modern winter fur clothing originated as a result of an experiment by Himmler. Well before the beginning of the war in Italy he saw the first amphibious car, and he always developed that with all means, because he felt the future war would certainly be decided by amphibious cars and cars which were able to climb hills, and so on; we had the impression that if he had refrained from carrying out all the experiments on human beings and if he had built amphibious cars, then we certainly would have landed in England. He ruthlessly burdened his people. He already used live ammunition to shoot over the heads of his troops in maneuvers before the war; that is, if troops were attacking and machine guns were more highly effective than with other arms, no real ammunition is used within the 80 meter zone because there will be some casualties. At every maneuver and at all times in times of peace, the SS had casualties through this measure, which always thinks of the unit and never of the individual. All this is characteristic of this man and that, of course, cannot be terminated all of a sudden through a single objection. The eternal subject of dispute 'the Reichs Sport Insignia' which he demanded of every man-- that every man had to pass a test for the Reich Sport Insignia if he wanted to receive

a promotion. I will immediately close my example, and I only wanted to show that Himmler collected ideas in an unlimited field, had these ideas tested, and always somehow carried them out the last consequence. Part of them concerned medicine, and he used exactly the same method in this field. He collected old family recipes of which he heard, and suddenly tuberculosis was tested without any medical men from the school ever hearing about it. He depended on bio-chemist research, and he also had this carried out on his own patients and in the concentration camps, without consideration to any objection by any specialist. He used the valuable Polygal and had it used at the front in quite a different manner, and he did the same thing in many other fields. It was not possible that we medical men, who had been educated at school, were able to prove him by objections, because we did not find out those things for the most part; when we discovered them he always had the concept and stated "I know that you school medical men are opposed to it, but this recipe has become lost and now I am going to develop it particularly against all objections of the school medical men." Now it would be false, no matter what one thinks of his personality, to say that everything he did was nonsense. On the other hand, of course, with regard to human beings, every mistake results in a catastrophe, which has now brought us into the present terrible situation. Therefore, in connection with this document, which shows that fundamental discussions were to take place now and that this was to be brief, and I explained this to Himmler as clearly as I could. I do not believe that I made a very great impression on him. The matter of Polygal was very unpleasant to him, but otherwise he maintained the point of view which he always had, that I know something about my own little field of work, and at Hohenlychen he always called us the unreliable, liberal company which could not be trusted with anything-- we always brought word back that we only could work in our own little field, and these were things which could not be explained to him.

However, at the time, in spring 1944, I did have a certain amount

of influence, and I believe that I impressed him by pointing out to him how well known my experiments were abroad. Already before I appeared at the general conference, which has already been mentioned, I had discussions about this in Switzerland; and then in the fall of 1943, in Italy, my clientele was such that it was on the side of those who went over to the English, as well as to the other. Here I could tell Himmler very clearly how the people, who knew me, thought about the fact that we were involved in such matters. I believe that this was the protection of these women. As far as I could I pointed out how necessary it was to create a certain order here and to slow the development.

I would like to claim for myself that new experiments did not take place after this discussion, that is towards the year 1944, that they were not carried out any more in the sense of a large-scale experiment. Apparently these old bacteriological experiments continued - I do not know that. However, I do not believe either that experiments were still carried out on foreigners. That is also aside from the rest of the bacteriological side. I can state under oath that no surgical experiments took place any more after that time. It certainly was not in connection with my person or in any connection with the Waffen-SS, and I believe that I was able to make it clear to Himmler what basic principles he should adhere to, if he was to continue with any experiments on human beings. This approximately is the basis which later on led to the decree of May 1944.

DR. SEIDL: May it please the Tribunal, the next document which I am going to hand to the witness....

JUDGE SEHRING: Doctor, you have made some statements about being able to bring these human experiments to an end by your influence with Himmler, and I believe that you also said that prior to the time of your sulfonamide experiments on human beings, the experiments on human beings had been conducted without documentation or without official records being made of the matter. Is that correct? Did I understand that correctly, or not?

May I exactly express once more what I tried to say. I know how these scientific experiments were brought about, that is to say if any medical authorities or if any important specialists, for example, Fielding, and how he turned to Himmler I do not know. I would not have been able to oppose them. However, I could not have felt myself justified to do that either. If the Chief of a medical agency suggests it, then he does that of his own responsibility, as the chief agency of this branch of the Wehrmacht. What I was fighting against, was that there was still quite another way. If, for example, these official experiments of the Luftwaffe were completed, then Goercher or somebody else involved himself in these experiments, and we have all heard in the course of time how many things were being done and they were able to refer directly to Himmler. I even had the impression that things were done which never overreached Himmler; and I believe that this way of making decisions certainly stopped at that time as far as I am able to overlook it. I cannot give any information whatsoever about what agreements were reached with regard to other experiments.

Q. How could it be possible for experiments to be conducted on a large scale, such as for example high altitude experiments, freezing experiments, sea water experiments, and these other experiments that have been talked about in these documents, how could it be possible for these experiments to be conducted, unless they had either the approval of Himmler, or had the approval of the head of the particular branch of the Wehrmacht, for whose benefit the experiments were being conducted? I seem to be confused about that. Perhaps you can straighten me out on it.

A. That certainly was not possible. That is what I call the large scale experiments. I am convinced that in the high alt-

itule experiments, and in the water freezing experiments, which were carried out officially by the Luftwaffe, that somehow some contact had been officially established with Himmler, and that Himmler approved them. On the other hand, without any doubt, in connection with the experiments of the Luftwaffe, Rascher now continued to carry out these experiments. Certainly not, however, under the control of the Luftwaffe, and certainly not under the control of a physician of the SS, and he himself, or through his wife, immediately wrote to Brunhilde or to Himmler. That is what I would call the illegal side channel.

Q. Now is it possible in the German Army, or any other army, for an inferior officer, an officer of small rank, a lieutenant or a captain, to go over the head of his Major and his Colonel and his General, and the Commander of his Army, or his Corps, and go directly to a man at the top of the Government and carry these things on; that is something I can't understand?

A. That is the exception which was possible in the case of Rascher. Rascher was a member of the Allgemeine SS. His wife was a very good friend of Himmler, and from the correspondence it can be seen that everywhere I say now I only know from the documents here, so that I can only draw conclusions. However, it is my impression that there is no doubt that the Luftwaffe experiment was terminated, and that this was reported correctly, and that responsibility went from the higher agencies to the lower ones, and that the top secretaries were in contact with Himmler. On the other hand it can be seen from the correspondence, that Rascher was writing to Himmler about his private contacts, that he complained about the Luftwaffe, that he requested his transfer, and that he does not come under my control, but that he comes under

the scientific society, the Ahnenerbe, which was directly subordinated to Himmler. Therefore, I would like to answer correct

Q. You have touched upon something the Tribunal would like to know about after you have finished your present answer. We have heard a good deal about the Ahnenerbe Society, when you have finished your present answer will you be good enough to tell us about the Ahnenerbe, about its constitution, about how it is run, and about its purpose?

A. Yes. I want to summarize my previous answer, that, of course we had clear channels, and every subaltern had to submit his reports to the next higher authority, and only the higher authority can give the orders and reach the decisions, and the person who gives the orders, of course, bears the whole responsibility, and that was the way as far as possible I tried to carry this out, in my field of competence in the SS. On the other hand, Himmler was the strange man who collected all sorts of personalities, those who were valuable and those who were not, and he immediately occupied himself with every thought with which he was confronted, although I had very much with Himmler in the medical and human field, I did not know Rascher. Himmler knew exactly that I would have objected to such a person, and there were arguments and in all the places where we had any contact. However, it was Himmler's conception, that he wanted one with school medicine, and the old Rascher, and a biochemist, and he collected all that was necessary. As a result of this all the official channels were avoided, and therefore in the case of the Luftwaffe, as far as I can see it, those experiments which had actually been concluded, were continued, and this of course endangered the whole result which had been achieved; and as I said I had prevailed then

as I will show later on, it was that I wanted to prevent that an individual physician should have any immediate contact with Himmler.

Q. Now, then you have cited the situation, where little Dr. Rascher was able to go directly to Himmler, instead of making his request through channels; lets forget about Dr. Rascher. What about the man at Strasbourg, who had the skeleton collection, what about Dr. Ding Schuler, and what about those other people who were carrying on human experiments prior to the time you required these be made a matter of official records; what about these things, did they go directly to Himmler or did they have to come through channels?

A. May I again emphasize in this respect that I did not know Dr. Ding, or Hirt, and I have only obtained my knowledge from the trial. As far as I understood Dr. Ding in turn talked to Grawitz and from there the results were submitted to Himmler. Therefore, he kept some official channels, because I really did not know who originated the whole question of the epileptics, but apparently they were Ganti and Grawitz. On the other hand I do know how Dr. Hirt came to the Ahnenerbe; and I cannot describe the Ahnenerbe very well, but I want to point out the following factor: It was the whole striving of Himmler, and that is why I gave a description of the foundation of the order, to establish in the SS their own science; and that is the whole question of the argument revolving around this point. The people who came from University schools or are learned old medical officers, of course, opposed any new establishments in the Third Reich. Perhaps they could have discussed if the time and the conditions of the instrument which already existed was to be changed. Now, there is a certain group in the Third Reich,

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people like Himmler, Hess, who were of the profound conception, that on the "tired bourgeois ground" nothing new and active could arise any more.

And on the basis of the young talent, new ways should be selected; and Himmler was especially characteristic in that respect. For one thing, he takes the few medical officers at our disposal, he does not train them in the old Military Medical Academy at Berlin, which has a tradition of several hundred years, to that we founded a miserable subsidiary and moved to Graz, and of course the results are accordingly very bad.

And as I heard here, Himmler becomes the president of this Ahnenerbe Society. Around him there were two circles, and I was never a member of either one of them. From the time of my schooling and as a result of our family contacts, I was acquainted with him, but he also established a so-called circle of friends around him, and I was never a member of it. That was the circle of original personalities and industry. From this circle Himmler received the funds suggestions for all the thousands of experiments, which were carried out in the various fields. I have the impression, Sievers will possibly be able to give you more information about that than I, who was not a member and did not belong to this scientific instrument, that this strange new foundation in which all the various personalities were to keep contact was the Ahnenerbe.

If I can say it with one word, what I have often hinted, Himmler was a follower of an antique idea, which had gone wild and which was misunderstood; while the whole modern development creates specialists, individual faculties and individual subjects, he had the idea of the Universal Field Universities, he made the mistake of placing himself into the center of the Universe. This was the circle of friends of the Military Medical Institute, and the Ahnenerbe, and societies whose names I do not recall. They were not only unsuitable people, but the actual person responsible was not Sievers, but it was the Director of the University of Munich. I have forgotten the name.

Q. Wuest?

A. Oh, yes, it was Wuest, Professor Wuest. In these circles, there were people, there were physicians, doctors, natural scientists and all other various branches were represented. From these people he obtained

relatively much good, and also very much bad. The bad things about it was that he always made the decisions, and the almost tragical factor and our disaster was that when a private idea originated here, then through the personal union of the person of Himmler in this strange group and through the executive person of Himmler, who for example had the concentration camps immediately subordinated to him and through Commander Himmler, of the Waffen-SS all these people could be brought into conflict, just as it happened to us; however, I did not understand all that at that time.

By I point out here that our unfortunate situation of course has a big advantage. Never in my life have I been mentally as free as now and, of course, I see now what a strange group we were and with what things we occupied ourselves which couldn't work. However, there was one thing characteristic for the Third Reich, the impulse of the layman, besides the University, beside the old army institutions, beside the traditional things in Germany, was to be placed there together, but no success was ever achieved in making this union.

I want to point out how this problem was solved by Russia, who has solved it. Now, of course, these things always run parallel. Thus, it was possible now that the man Rascher was a captain in the Luftwaffe, and that was without a doubt in a position under scientific control from the highest agencies of Himmler, Himmler worked at first under their immediate orders. However, then somehow Rascher succeeded in building his private contacts to this strangely antique pseudo-circle, and to convince Himmler that, if now quite ruthlessly the thought was to be taken up, aside from all the obstructions of the universities and soldiers and so on, then this would cause sacrifices, but that better solutions could be attained and this was what Himmler always strived for. Of course Himmler is suddenly drawn away from the school of medical men, he is assigned to us, because he must remain a soldier in the war, but, I was unable to get this surgeon Rascher under my control, as he was immediately assigned to the Ahnenerbe, and continued "Drill" until finally we had the report about his fraudulent children, otherwise he would not have been finished.

On the other hand, for example, Ding as I have understood it, I have never occupied myself with this, came to Himmler via Grawitz, that is the agency which confronted Himmler with the question of epidemics. I never heard a word about this from Himmler, but in the question of epidemics I do not know whether he was personally interested.

I believe Grawitz approached him personally, but that is only a conclusion. What I want to say was that I had the example of Raucher, I believe I was able to abstract his aims for the most part, and that I confronted Himmler with the question as a man, as a soldier, as a school surgeon, who had become involved in this whole conflict of questions. I was able to make an impression on him as least to the point that he listened to the opinion of the other side on that subject.

THE PRESIDENT: The Tribunal will now be in recess.

(A recess was taken.)

THE MARSHAL: Persons in the court room will please find their seats.
The Tribunal is again in session.

BY DR. SEIDL:

Q. Witness, I am not sure whether before the recess there occurred a mistake in the translation, but I will ask you again is it correct that before the execution of malarial experiments, the freezing experiments, and all of the other experiments, you did not know about them?

A. That is certainly correct. I don't think that I put it in this light. The point and the difficulty in my position itself, in my evidence I would like to point out; I think that I have to describe in these boarder fields the various conditions of orders were interlocked, but it is not so — I did not conceive the question to be such — that I have been asked about individual experiments, but it was described to me how this may have been carried out.

Q. Mr. President, the next document which I present to the witness, is contained in document book No. 5 on page 20 of the English document book, it is document NO 170-79, which is presented as exhibit No. 135. It is a letter of the Reichsarzt Dr. Grawitz, to the Reichsfuehrer SS Himmler, on the 26 June, 1944, it refers to the seawater experiments, at first we pointed out a request by the Luftwaffe and then we refer again back to an order on the 15 May 1944. Are you able to quote the contents of this order? I should like to point out, the Prosecution did not present this order yet, but it may have the possibility that this will be submitted to you shortly.

A. I cannot declare upon oath what is contained in this order. I am convinced that this order has nothing to do with myself, but that this order probably is a transmittal of experiments from Pohl to Grawitz. I don't know, but I do know exactly why I mentioned my attitude, and I know what I wanted. Whether this is quoted as an appendix in this order, I will see it, but I would like to declare, what to my attitude toward these human experiments was that time and what I submitted to Himmler. Under the pressure of this trial, it is so that everybody who is in here at the trial will

present this in this light, that the human experiments is absolutely out of the question for any doctor and on the other hand, of if everybody says if this is surely a voluntary experiment, then human experiments will be performed. I may remind you that Dr. Liebrandt, who also mentioned this, that unfortunately in so-called natural science and the development of natural science, the human experiment itself is a heavy problem. It is quite sure least of all for us who are surgeons. At that time I got hold of literature. I attacked the person of Rascher, and I tried to explain my thoughts and impressions about this problem, which I confessed, and am very glad that Himmler heard them, and I explained them at that time. Many other persons had given him other thoughts on the subject; and I would like to be permitted to show the possibility of human experiments and how I would like to think about these experiments. I would like to compare those. There is no doubt whether the initial case is with the doctor, that a doctor suddenly will try to clarify a problem in human experiments, which he cannot do in any other way. That is the ideal experiment upon himself. We have the example of Dr. Speer who applied a local anesthetic upon himself, who proved it would not harm himself; and that is only possible in individual cases and by applying this experiment to myself. If the question is on the bacteriological side, I can only prove, if I did not get along with animal experiments, if I make available a larger group, these larger groups, -- can include voluntary people. In spite of our discussions on this point I am convinced that the volunteers for this experiment, will never surpass beyond five or six or ten people -- if it is an experiment of life and death. This is the real initiator of this idea, plus two or three scholars who experienced these experiments which were carried out. These have been carried out in this regard. On the other hand if you approve a mark of three or four or eight hundred, this idea of volunteers receives a queer background. There are not eight hundred people who are absolutely ready, in clear knowledge that they may die in these experiments, if there is not absolutely a chance for them surviving which is made to

these experiments. On the other hand such experiments are being carried out in a correct character. The basis for these experiments is merely not a doctor, but mostly a group, who support him mentally, a circle of research people, bacteriologists, or very often industry, if they want to press the matter. The little man, for instance in Germany here has to approach a problem with a knowing attitude to get volunteers for these experiments, that do not have the clear knowledge of the whole experiment but one thing, and recruiting for this experiment has to be done and recruiting means that the greatest success is achieved in this way: You can use radio; you can promise money, you can cleverly present it in the press, you can suppress the amount of chance of danger, you can apply it to a circle who is accessible to some sensation, who quite primitively falls for a present; these experiments have been carried out in the whole world, on natives, and on prisoners, and on all sorts of mental deficient, but not mad people, and finally they all agreed that they absolutely would use volunteers for these experiments. In these medical experiments the medical initiative in my opinion is in the background and is not quite decent any more, because mostly it is admitted that these 600 do not know how great the danger is, or that under some pressure or some false position they desired to submit to these experiments. The experiments are represented as voluntary and are carried out in this manner and is to be evaluated this way.

(Question by Dr. Seidl which was not translated.)

A. I told Himmler, I told him clearly he should not introduce such a question which may not be overlooked. This problem, as Rascher asked Himmler, about the idea then Rascher takes the initiative. Rascher does not participate in this experiment. And I may conclude that any experiment was forbidden in the War. Himmler's participants in the experiment, says that has to be carried out in a different manner and on a larger scale. This experiment nobody can classify as a private initiative, as State initiative. So that in these experiments I find absolutely impossible, that the Government of Hitler fundamentally approved and recognized the experiment as legal, not if it was a question of private idea. But, then in the manner of questioning, it must be considered here a problem of the State. And, of making these experiments it has to be stated clearly how and where these experiments are to be carried out, and the responsibility from a high agency to a lower agency has to be stated.

Q. Now we come to the order of 15 May 1945.

A. Therefore, I suggested to Himmler, I don't know how far other people suggested to him in the years of the War, - during this catastrophic atmosphere that was prevailing, experiments could be carried out in this way - not according to what the individual doctor thinks necessary. On the other hand the State must not criticize this - how this was carried out. And, therefore, I suggested, as you will see, that a supreme medical authority, or anyhow the supreme agency should state whether this problem was of a military importance at this moment. Then the State should take the decision, whether the experiment should be carried out or not - a doctor would never be keen on these experiments; but if on account of this military situation - which has been approved by the military authorities, for instance, a medical agency or a technical agency, or whoever is the highest authority, think it necessary, then, consequently, it has to be decided quite definitely that impossible people, as Dr. Rascher, should not be responsible for the execution of

this. Then comes the question of the scientific utilization, the humane execution, the problem of supervision and the problem of stopping these experiments. Therefore, at that time I never would have inspired these sulfonamide experiments by myself. On the other hand, an agency, the supreme, suggested this to Himmler, the decision whether human experiments were to legally carried out in Germany or not can only be decided by the highest authority and none below that. On the other hand I can ardently look into it whether the people who make these decisions, and can make suggestions are experts or whether just anybody. Here I will confine myself to the sea water experiments. It is like this: first of all Himmler suggested experiments to be carried out and a German expert guarantees the execution of these experiments. If I am asked if these conditions were fulfilled, whether Himmler had the right experts for the decision, I can only say "Yes". On the other hand it is not like this, that I agreed in this experiment which was carried on in Concentration Camp without any control by us, so that in addition I suggested that one should appoint a supervising internist of the Waffen SS for the carrying out, so that in the concentration camps, the clinical procedure should not surpass limits and be stopped. The question on the other hand, which prison is being dealt with and which place to be carried out is with NEBE, and the place is not to be decided by anybody who is camp leader, but by the supreme agency of the camp. That is not known by Schroeder, nor myself, nor Eppinger, because we did not know the circumstances and cannot judge them. I think the attitude essentially has been complied with. That, as far as I know, no new experiments were started which was not authorized by higher agency for this purpose, and I do not think there were doctors responsible for this who were not experts on this field. As to the side lines of the experiments I do not know about them.

Q. These facts which you describe, now made you support the suggestion of the Luftwaffe for these experiments?

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A. Yes. At that time of the war I knew quite certain that the Luftwaffe wanted to have these experiments carried out and that Eppinger guaranteed the execution experiment, but I did not agree the concentration camp should be put at the disposal. I advised a supervisory doctor should be applied. One sees how little Grawitz cared - that supervising internist was not supplied; on the other hand the final decision Himmler made - it must have been passed on in another report, otherwise the experiment had not been started but my attitude had nothing to do with this.

Q. The next document which I have submitted is in Document Book V, page 11 of the English Document Book. Document NO-177, exhibit 133. It is the minutes on the conference on the 20 May 1944 in the technical office of the Luftwaffe. Prosecution, in submitting this document, asserted that at the end of the document there is a remark which has been written by you. At the end there was a pencil written note and I ask you whether this was done by you?

A. This is not my signature on this document. You can see how this was carried on parallel. I have the impression that Schroeder, as he said, visited Grawitz and discussed this, and that they came to an agreement on this. Letter was sent to Himmler by Grawitz, and asked for our attitude to the participants. After this decision has been made by Himmler execution of the experiment was decided on independently of this document. This document seems to be from a discussion of the technical and of the Luftwaffe and not from the office of Schroeder; and that it seems it was sent to Himmler, Brandt or anybody else - stated the result of the correspondence with Grawitz. It is not my signature, and that is not the document that came from Schroeder.

Q. Now I come to the conference on the Lost experiments. The defendant Dr. Gebhardt is accused of special responsibility for these, too. The document which I shall submit to you is in the English Document Book No. 13, page 56, Document NO-005 which the prosecution has submitted as Exhibit 279. I have the impression that this document has nothing to do with the Lost experiments. The subject of this letter is a letter from Dr. Grewitz to the Reichsfuehrer SS Himmler. It deals with the question whether N-substance is a poison gas. What were the reasons for the position which you took in this matter?

A. I can testify to all these things only from memory. I may point out that they happened in 1944 when I was Army Group Physician or shortly before the invasion and these were just minor matters, but I believe that it was the following. N-substance is not, of course, in Lost. It has nothing to do with the Lost experiments. On the other hand, at that time and during the whole war, one of the most important questions was replacement for phosphorus incendiary bombs. They continued to burn on the water, on human beings, etc. I believe N-substance is a mixture of fluorine, halogens, or some such things, which is highly explosive, and the question was of vital importance, not whether it was tested on persons but whether it was a chemical warfare agent, or whether it was an incendiary. I know certainly from some one from Speer's staff, or from Speer himself, that this was not carried out, because N-substance or halogens were so explosive that no matter how they were transported there was great danger of explosion during transport. I believe that our technical office which wanted to put this through and which was competent in this matter had been told by the ordnance office or whoever was competent had been given counter orders and it was not carried out. I do not believe that N-substance experiments were carried out.

Q. The next document refers to the incendiary bomb experiments. This document which I shall have submitted to the defendant is not in the document book. It was submitted separately. It is Document NO-579, which was Prosecution Exhibit 288. This is a record of an expert opinion of 2

January 1942 on a skin treatment for phosphorous burns. The lotion discussed here is called R-17. The prosecution does not assert that you were directly connected with these experiments but it says that, in view of your position as Chief Clinician, you knew about the experiments. Is that true?

A. I certainly did not see these pictures because I would probably remember them. When the experiment was brought up, it was a local question and not in my field. They went to Ding with an English incendiary bomb or Ding to them and then the final report was sent to Grawitz. The lotion certainly was not introduced by us because we had gelatines and as far as I remember I knew nothing about this experiment.

Q. In the course of the evidence on poison experiments the prosecution submitted Document NO-201 as Exhibit 290. This document is not in a document book. It was submitted separately. This is a report of the defendant Dr. Krugowsky to the Criminal Technical Institute in Berlin concerning experiments with akonitin-nitrate bullets of September 1944. The prosecution does not maintain that you were directly connected with the execution of these experiments but in view of your position within the Medical Service of the Waffen SS the prosecution says that you must have known about it. It was tested on prisoners. What do you have to say about it?

A. I learned about this experiment from the indictment against the SS and when I first met Krugowsky I asked him about it. He says that it was really an execution experiment of the Criminal Biological Office, in which he was involved in some way. He didn't issue any report about it except to the Criminal Biological Office. I am quite certain that I never got it and I don't believe that Grawitz knew anything about it.

Q. In the course of the case the prosecution submitted Exhibit 127, an affidavit of SS General Pohl. The affidavit is in Document Book 4, page 26 of the English text. Document NO-065 under Number 5 in this affidavit says that the Oberarzt at Hohenlychen, Dr. Heissmeyer, received from Hinnler personally permission to carry out experiments with tubercu-

losis. What was the position of Dr. Heissmeyer at Hohenlychen? What do you know about these experiments?

A. Within the sanatorium of Hohenlychen there was the lung sanatorium for tuberculosis. Heissmeyer was the chief physician or the deputy chief physician before I came to Hohenlychen. He was, of course, on our staff but he was so independent that, for example, I never entered the sanatorium for clinical reasons and I did not check his work. We surgeons actually wanted to get the lung sanatorium out of Hohenlychen as soon as possible. I do not believe that Heissmeyer ever conducted any experiments, but I do not know. On the other hand, it is true that Heissmeyer was the nephew of Obergruppenfuhrer Heissmeyer, that he knew Himmler, and that he met Himmler when Himmler came to visit us, and it is also true that very early, I believe it was in 1938 or 1939, there were the first tuberculosis experiments in the sense of pure investigation. Heissmeyer was involved in this. I know for certain that Heissmeyer conducted such similar experiments at Ravensbruck by my observations during his work, because for weeks the women passed our building going to and from his sanatorium. Later he went through half of Germany investigating tuberculosis and I arranged for him to visit Professor von Bergmann and report on his work and this was published so the work was certainly correct. As far as any human experiments are concerned, I know of nothing in connection with Heissmeyer.

Q. The same affidavit of Pohl says that, according to his assumption - that is, Pohl's - the Reichsfuhrer SS Himmler discussed medical questions with the doctors whom he knew. I believe that your testimony so far has clarified this point sufficiently.

A. Our position was not such that we were called upon on a certain question, and I could give enough examples when Himmler decided against my point of view in the selection, treatment, resettlement, science of the SS, etc. Pohl cannot have any knowledge of his own on these questions.

A. In the affidavit which you yourself signed, and which the prose-

cution submitted as Exhibit 25, you said, among other things, that at the end of the war you were Army Group Physician. What were the duties which you had in this position and how did you solve the problems which arose?

DR. SEIDL: Mr. President, before the witness answers this question, I should like to have the permission of the Tribunal to read a brief notice contained in Document Book No. 2 which I shall later submit in evidence. It has only two sentences. The High Command of the Wehrmacht issued this pass for the defendant.

THE PRESIDENT: You mean the Prosecution's Document Book No. 2 or Gebhardt Document Book 2?

DR. SEIDL: The defense Document Book 2. A few affidavits are missing and consequently the book is not translated yet.

THE PRESIDENT: Counsel may read the portion to the witness.

DR. SEIDL: I quote:

"High Command of the Wehrmacht, Chief of the Wehrmacht Medical Service, Berlin, 1 November 1944.

"Pass. SS Gruppenfuehrer and Waffen SS Generalleutnant Professor Dr. Gebhardt has received from the Reich Commissioner of the Fuehrer for Health and Medical Service, and from the Chief of the Wehrmacht Medical Service, a special assignment to visit medical agencies and medical installations of the Wehrmacht and Waffen SS and is instructed to report about his observations. All medical agencies and medical installations are to aid SS Gruppenfuehrer Professor Dr. Gebhardt in every way in the execution of his assignment. Signed Dr. Handloser, Generaloberstabsarzt."

BY DR. WEIDL:

Q. Now, will you please answer the question, witness?

A. This page shows what our main worries were at the end of the war: that was to get the supplies through -- the medical supplies; I would be quite wrong that I considered myself an army group physician in the usual sense. I did not have the prerequisites for this position, and the work was done by an old medical officer who was appointed under me for that purpose.

After the total collapse in the civilian sector in the West in 1944 after the invasion, and in the East at the time of the retreat from the Vistula to the Oder, that time since Himmler was chief of an army group of the reserve army and Reich Minister of the Interior, I tried to save what could still be saved, and I went to him with this assignment from Dr. med. I asked him to call Conti, and Conti had to admit that it was simply impossible to supply the civilian sector any more.

Then I was given this authority, and we attached ever thing to the only column that was still standing -- that was the Army -- and the supplies for the civilian and military hospitals, which could not be separated any longer, because the air raids had created emergency conditions. I believe that I was able to supply a few thousand people through these orders from Himmler and the work which we did.

Q. Now I come to the last question. What were the measures which you took in view of the imminent collapse in April 1945, especially as President of the Red Cross?

A. I can say only one thing, that as President of the German Red Cross I worked exactly one day, and I had one or two letters. The Red Cross is unjustly charged with me.

On the other hand, the war was approaching my own sanitarium. Himmler no longer knew how we could go on. I was probably the last man who was with Hitler. We discussed all these things once more with Sturpfegger and Hitler. Hitler did not want me to stay with him, but Sturpfegger. I then went back to Himmler. Everything was more or less around my sanitarium, which was about 60 kilometers from the front, and then Ravensbrueck was near there.

The last mad orders came that no prisoners could fall into the hands of the enemy. These orders came from Berlin.

I don't know -- if I hear now that thousands of people in spite died in Ravensbrueck, I don't know. I can only say that it was my influence, in part, that caused Himmler to call up and say that in Ravensbrueck, at least in the days when I was back there -- I came back in April -- certainly no one was killed there then.

Every one of us was negotiating with any available neutral agency. Since '43 I had had connections in Switzerland with the International Red Cross, and in '43, for one year, I had a Swiss assistant at Hohenlychen, and I was visited by Swiss commissions. On the 16th or 17th of April, a Swiss commission was at Hohenlychen and at Ravensbrueck; it was led by the same assistant who had worked for me formerly. I know for certain that some of the Polish women went back to Switzerland with them at the time, but I have no evidence for the figures now. We had five or six trains, and an enormous motor column, to transport thousands of people from Ravensbrueck over to us, so that everything was collected. We were under fire from the enemy. It was not my doing, but it was done by the Swedish Red Cross and its chief, Count Bernadotte. In these last unfortunate days, after the Swiss did not come back the second time because of the losses they had had the first time, the Swedish Red Cross came to us, and, unfortunately, Grawitz blew himself up that day, so that the German Red Cross had no one to carry on the negotiations.

For various other reasons, Himmler wanted to negotiate with the head of the Swedish Red Cross. The negotiations were carried on in my house.

The rest of the Poles, women all of them, went in Swedish cars, in cars driven by Poles which I had supplied. They went to Flensburg, under enemy fire, and arrived in Flensburg. I took leave of the Swedes in Luebeck, and then I had to report to Himmler in Flensburg, who had arrived earlier, and I had my last conversation with Himmler. All the Gruppenfuhrers who could have been used for this question were nearby at

Flensburg. At that time together with Ohlendorf, I suggested that we should take over the radio, which would have been possible at the time, with the remnants of the SS, and that Himmler should relieve the last SS man from his oath, so that this question would be definitely settled and any thought of illegality would be stopped, and the next day Himmler should surrender at the head of his generals. Ohlendorf drew this up, and for one whole night I urged Himmler, and if the poor Brandt with his bird brain could remember at all then he would remember how we acted at that time. That was the only time when Brandt was present.

Himmler hesitated until three in the morning. Then I came the next morning the quarters were empty. At noon I sent a letter from me to Peppendick, who was at Flensburg on Doenitz' staff, and then I surrendered with Ohlendorf.

D. SEIDL: Thank you.

THE PRESIDENT: The Tribunal has been informed that on Monday morning, before Tribunal No. 2, the defendants in the case of the United States versus Pohl and others, will be arraigned at 9:30 o'clock. The Tribunal has also been informed that several of the defense counsel appearing now before this Tribunal represent defendants in the case of the United States versus Pohl, and that their presence is required at the arraignment on Monday morning. This Tribunal will, therefore, when it takes its recess tomorrow evening, recess until 11:15 o'clock Monday morning. The arraignment will be completed at that time. The arraignment before Department No. 2, at 9:30 o'clock, will be held in this courtroom. After the arraignment, Department 2 will vacate the courtroom, and this Tribunal will reconvene here, as I say, at 11:15 o'clock Monday morning to proceed with the trial of this case.

We will now recess until 9:30 o'clock tomorrow morning.

(At 1630 hours, 6 March 1947, the Tribunal recessed until
0930 hours 7 March 1947.)

Official transcript of the American Military
Tribunal in the matter of the United States
of America against Karl Brandt, et al,
defendants, sitting at Nuernberg, Germany,
on 7 March 1947, 0930, Justice Beals presiding.

THE MARSHAL: Persons in the courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal 1. Military Tribunal 1
is now in session. God save the United States of America and this hon-
orable Tribunal. There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants
are all present in court.

THE MARSHAL: May it please your Honor, all the defendants are
present in the court with the exception of the defendant Oberheuser, who
is absent due to illness.

THE PRESIDENT: The Secretary General will note for the record the
presence of all the defendants in court with the exception of the defen-
dant Oberheuser who has been excused on account of illness.

Counsel may proceed.

KARL GEBHARDT - Resumed

CROSS EXAMINATION - Continued

DR. SEIDL: I have no more questions to put to the defendant Dr.
Gebhardt.

THE PRESIDENT: Any cross-examination of this defendant by any
defense counsel?

BY DR. HELTE (Counsel for the defendant Handloser):

Q. Witness, when did you meet Professor Handloser?

A. I believe it was in 1941, after he had been in his new position
about six months. After Professor Waldmann on the Hohenlychen Board be-
came sick, he asked whether he might take his position. It was only one
visit. The next time I saw him at the meeting in 1943.

Q. It was in 1943, wasn't it?

A. One year after the death of Waldmann. I don't know exactly,
the end of '41 or the beginning of '42.

Q. You had told us with the Kuratorium.

A. Yes.

Q. Did that Kuratorium have any influence on the medical management or on the manner in which patients were treated?

A. In no way. The Kuratorium and the Sanitorium were the peacetime form before '43. At that time Hohenlychen was purely a tuberculosis institution. It was under a welfare society, the Red Cross for Hohenlychen. This legal form was maintained in 1933 because this saved taxes and so forth. After the group of persons had changed, people had left, and so forth, this group of persons was supplemented according to my suggestion. The actual influence on the medical direction of what we wanted to do at Hohenlychen was the three men I mentioned, Dr. Tschanner-Osten, Dr. Todt, and my scientific superior, Dr. Kruemmel, Director of the Educational Ministry. The Kuratorium itself never met and I never called on Handloser in any way as Curator for Hohenlychen.

Q. From then onwards did you have any personal contact with Professor Handloser?

A. Actually, only in 1944 at the meeting at Hohenlychen. At the third meeting I reported to him like any other speaker in a purely military form. I certainly did not speak to him afterwards. At the end of the meeting, or during the meeting, I always went out to Hohenlychen and came back the next morning. I cannot remember that I met him officially at the front in any way. As far as I can recall, Handloser had always just been there or was just coming there with the greatest difficulties. At the meeting in '44 he was my guest and during these three days I not only showed him my clinic but, since we all had great respect for Handloser, I took great personal care of him.

Q. Mr. Fischer said in his affidavit No. 472 that Professor Handloser had been to Hohenlychen on the occasion of the 10th anniversary. Is that true in that form?

A. Dr. Fischer will probably be able to comment on his affidavit himself and we have expressly agreed that he is my junior who has got into the situation through me and will be able to present his case as he

thinks right, without any special agreement. As for the 10th anniversary meeting, I should like to say that he is mistaken.

Q. The 10th anniversary?

A. The 10th anniversary was an internal university celebration. I might say that I had chosen as my report the subject "Conflict Between Doctor and Soldier in These Times". I did not invite anyone except my old teachers. Geheimrat Sauerbruch was there, the students from his school and my school, and the Director of the University of Berlin, Professor Kreutz, whom I asked, whom I have applied for as a witness or for an affidavit. No military agency was represented and no man from the SS was there for this family celebration.

Q. How was the official relationship between Handloser as the Chief of the Army Medical Department to the Medical Service of the Waffen SS in particular, was it in any sense under the Chief of the Medical Service?

A. I have attempted to describe the enormous degree of improvisation which prevailed in the Waffen SS, and how it changed from time to time, depending on whether it had the confidence of the Fuehrer or whether it did not have the confidence of the Fuehrer. I believe I may repeat in three sentences: The Waffen SS went into the War as three separate groups, the Verfügungstruppe, Totenkopfverbände and the Leibstandarte Adolph Hitler. They were a selection of volunteers and had no special military character. Then at the front they were loosely attached to the Army, but from the special privileges which they had, as the situation advanced, it was so unfortunate and confused, as is shown by my position. Attempts were repeatedly made by me to attach material and doctors but when the Army tried to intervene with us in any way it was said the SS was independent, so there was never any sensible contact. In the decisive years, 1942, the development doubtless was that Himmler was given the assignment from Hitler, in all these crises to create a new confidential part of the Wehrmacht, that is next to the Army which was involved in all these crises, and no doubt did the situation much better. It was not only a reliable political instrument, but a military instrument.

I, as chief clinician, got express instructions, for instance, that Handloser was not to be given clear information about our personnel or our reserves. As for personal contacts with the Army and such an impressive person as Professor Handloser, I should like to say that it existed, nevertheless the line was contrasting, and was in independent relationship to Oberstabsarzt Grawitz.

Q. May I sum up what part the Medical Department of the SS did not fall under the competence of the head of the Wehrmacht Medical Service?

A. Yes.

Q. And as far as the Fuehrer Decrees of 1942 and 1944 show that there

is a direct line which should have lead to balancing of these two departments. The Medical Department of the Waffen SS showed itself to be very reserved, if not hostile?

A. Yes, that is correct.

Q. You showed yesterday, when you were giving evidence, a statement from November 1944, which bore the signature of Professor Handloser, as the Chief of the Wehrmacht Medical Services, and which was issued to you as Army Medical Chief; in that certificate, in that legitimate reference, was mention made of a special assignment, which you were given; in order to clear this up, I should be grateful if you could make a statement as to what were the contents of this special assignment?

A. Yesterday I briefly referred to the chaotic conditions in November 1944. I mentioned that I was at the two positions where there were certain the greatest worries from the medical point of view, in the West after the collapse of the front, and in the East from the Vistula to the Oder. The problem in the air raids, in the advance of the enemy troops, was not the Army, especially not the front units, because they had experience of war and would manage to get through all these catastrophes. On the other hand all plans for the Homeland which overnight had become the theatre of war, broke down completely. On the other hand, in severely bureaucratic separation, in spite of all efforts and fuhrer decrees, we still had quite independent orders in the civilian sector. A particular example, I myself was in Kolmar, as a surgeon against the brave American Third Army. I was stationed at Muehcheim (on the Rhine, had behind me the whole Rhineland up to Freiburg, with huge air raids going on, where after three hours the civilian sector was out of the picture, and as reserve behind it the two Provinces Baden and Wurttemberg. It was possible to get everything in order but to make these two bureaucratic installations of these two civilian land Provinces Baden and Wurttemberg cooperate was impossible. Therefore, I went to Berlin to see the only man who could adjust this difficulty, Brandt I took Conti with me, who was responsible for the civilian sector. I prove that neither in transport, nor with hospital space, not in any other way,

could I give medical aid for the civilian sector any longer; and I asked Brandt to decide that the civilian sector, at least in my sphere, should cease to exist; that only the last support, which survived the War, the medical officers in the Army, was of importance. That in every city there should be an Army physician, who should be responsible for all medical matters; whether civilians, labor service, reserve units, or front units, and should also be responsible for all hospital space. This proposal was accepted, and was decided by Brandt, in my favor, and now I had to have a legitimation that I could ask every post physician to take care of the whole sector too. There was only one man of sufficient standing to demand that, that was Professor Handloser, and that was the purpose of all this pass.

Q. In other words, this is a typical case, where the conditions had to be balanced, as the wounded, the ill, and the refugees had to be put somewhere?

A. Yes.

Q. Did this special order contain any other authorization, in regard to research?

A. At this time that was the worry, and there was certainly no other thought either in the conference or in our minds.

Q. In your third interrogation you said that the Medical Department of the Waffen SS did not fall under the Wehrmacht Medical Service. In order to be quite complete, I have to ask you now whether there were any official relations, that you know of, between Professor Handloser, as Chief of the Wehrmacht Medical Services, and the various medical research offices of the Waffen SS, and the SS, viz Ahnenerbe?

A. I have attempted to describe that. I opposed this, that I did not know all these secret agencies. That was some special, a pseudo-scientific existence outside of anything military. I have no idea, I never heard the name of any Wehrmacht agency nearby, or never heard anything about it.

Q. What were the relations between Himmler and Professor Handloser?

A. I can report only from a single meeting. When Himmler took over the

reserve Army, that was in 1944 in the summer, the question was what prime positions in the reserve army were to be replaced by the SS; and for example Obergruppenfuhrer Juttner, who had been in charge of the main office of the SS, came over, as Chief of the Reserve Army, under Himmler as Chief of Staff, as administrative man for the question whether in the medical sector, that is as a chief of the Army, an SS man should be appointed. Himmler thought of no, because of the whole question of Chief Clinician, and so forth. And it was out of the question as far as I was concerned, because I was not up to the work of "Army Group Physician," as I was a reservist and always had to have somebody else to do the technical work. But I suggested to come to an agreement with the Chief of the Wehrmacht Medical Service, and to decide to what extent changes are desirable and to what extent they were possible. This one discussion took place, and as far as I recall, and I remind you what terrible times there were and how great the worries were, Himmler who was setting up his new People's Grenadier Division wanted to have large replacements; and from some point of view, which I did not understand, he thought that in the hospitals there were an enormous number of "gold bricks" and people that could be used, that we had to take quite different measures. At this discussion he said this quite suddenly and undisguisedly; and Professor Handloser quite clearly explained his point of view, that this constantly changing concept of physical fitness, that gradually all the patients were also becoming physically fit, and that the coming out of the hospitals was not possible, and he would not take the responsibility for that and did not think it right; he could prove it by statistics how many went in and how many went out, and so forth. I was quite convinced, and Himmler said nothing. And that Himmler did not agree with Handloser's opinion and did not agree with my position, I conclude, because Professor Handloser went back without any decision from Himmler, and I went to the front; and without our knowledge days or weeks later an Army physician, was appointed, that is a position between Professor Handloser and us, who had not been provided for by anyone in this sense, who was sick himself and certainly did not

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apply for the position; but unfortunately Himmler noticed him, because the chronically sick patients had been put into action at Breslow. I should like to say at the one meeting the two opinions were definitely opposed, and Himmler expressed his disapproval and opposing point of view by appointing someone without consulting Handloser and without the approval of Handloser. I do not know of any other matters of discussion.

Q On the third meeting of the consulting physicians in May of 1943, you gave an opening lecture referring to Dr. Fischer's lecture upon experiments with sulfonamide; did you on the occasion of that lecture and on the occasion of Fischer's statements; did you talk with Handloser before?

A No, in the morning I drove in directly from Hohenlychen to my lecture. Handloser made his opening speech, if I remember correctly, speakers were behind the presiding officer, and reported to me and that was all.

Q Now, did you speak to him days before?

A No, I saw him when I entered the room; I was one of the many officers present.

Q Did you talk to Handloser after the lecture, the next day perhaps or on any other occasion did you talk to him about the lecture?

A Certainly not and that was not the relationship. Handloser was the chief medical officer of Germany, and I had no personal connection with him at that time. He did not call me, he did not ask me anything about my lecture, and of course I did not go to see him.

Q Later on, on any other occasion, when you two met, there was an opportunity for you to discuss the question, which after all was very important to you?

A I saw Handloser only again in 1944, that is a year later, and he never mentioned this lecture. For me the situation was like this, please believe me and every arzt in Hohenlychen will confirm it, after I had gone through all this, I did not have any talks with anyone on my own initiative. I had no interest in it.

Q Now you described the circumstances under which this lecture was held; you spoke of charts and graphs on the wall?

A Yes.

Q Was that an unusual thing, or was that the rule with other lectures too?

A That was as in every scientific meeting. In my next lecture, I spoke again afterwards about my nerve matters, I had the same wall and the

some pictures, and the other gentlemen too; everyone brings his material, charts and cables to illustrate his lecture.

Q So, therefore, it was nothing unusual?

A No, it is done at every scientific congress in the world.

Q In particular, there were no photographs, such as we have seen here in the Document book?

A No, there was clinical evidence showing what was done scientifically and therapeutically with the individuals.

Q Tables, charts, etc?

A Yes, as I described them yesterday, it was clear what was being done.

Q Yes, quite. Could one see what person was involved, what individual, or that it only concerned a given experiment?

A Yesterday I said clearly that I sent the individual material to Grawitz through Schreiber, and but that from the representation one could only see it was a large scale experiment conducted on condemned persons, as I have said in my introductory statement.

Q Therefore, it could not be seen from those tables and records that women were involved?

A The terms: women, Poles, and Ravensbruck were not mentioned, because in spite of the approval it was forbidden in public. Grawitz, however, had this information. However, it was known only that a large number of persons were concerned.

Q There was a great distinction between the evidence which you sent to Grawitz and what the spectators saw?

A Yes.

Q If I understood you correctly, the purpose of your opening lecture was that you considered these sulfonamide experiments legal; you described those experiments on the basis of your reports and you considered them to be legal and that the carrying out of these experiments was in accordance with the strictest medical rules, which you thought were essential and which were regarded as essential by all the other doctors; is that so?

A Yes.

Q From your statements, I seem to reach the conclusion that these lectures on the experiments were given in front of a large body of surgeons, physicians, pathologists, etc., in order to escape the suspicion you had been engaged in something which would have been harmful to one's reputation as a famous physician; is that correct?

A Yes, of course. I will point out that at the end I can look back and see clearly I have come a distance from all these things and everything I had heard about them. At the time, I was under constant pressure and tension and acting on orders, and I believe that I chose the right thing if one recognizes the situation as I saw it at the time, and the only possible way, if it was ordered and if it was to be of any value, we must be allowed to speak of it publicly. If a man like myself, who kept away from such things, is involved, then he must have the right to comment on it freely, for that if the only possible way to get out of the matter with honor.

It is always clear to me, and I am convinced if Germany won the war, it would have been just as necessary to say to the International Surgical Society, who might have stricken me from its list, and some other societies, and to explain how much pressure there was from all sides. My opinion is quite clear in the question of execution and in the question of protection for the people. Please examine all these matters. That was distinctly my opinion at the time, and now I emphasize it especially, as I look back on these things.

Q Perhaps we misunderstand each other. In my opinion your emotional feeling and the explanation you gave is quite correct. It is obvious that you and the man, who might risk his reputation, wanted to use this body of the most famous physicians and doctors, in order to explain that what you were engaged in was right, and that you acted as a patriot and corresponded to the conditions in which you found yourself?

A Yes.

Q And you said also that the case, the purpose, which you justi-

ably pursued had to be explained in a manner, which was convincing?

A Of course, that is the difficult thing. Now, in looking back at the time in Germany, as the head of Hohenlychen, I could see that was a well known clinic. I appeared at every congress with my assistants, and I appeared at this Congress with five others and then presented, with all the clinical evidence so that someone would not go on an assumption that I forged the evidence and on the other hand, one would discuss it openly and frankly if it had any clinical value.

Q It seems to me that what you had to say on this point, had you said so at the time, under the point of view which I just expressed; do you feel if on that occasion you had not said publicly these were political prisoners, if the fact that concentration camp inmates had not been mentioned; if women were not referred to and if on the other hand you explained that you had acted on a special order from the highest authority and that they were only criminals who had been promised pardon if they survived the experiments and if furthermore you had expressed under what conditions you had to carry out these things; don't you think - don't you believe - that those present, the physicians present, would have been convinced that the impression created by your lecture would have been to the effect that they could not suspect anything illegal or medically improper; is that correct?

A I can only agree with you under certain conditions, Dr. Nelts, the word "criminals" was not used.

Q But...?

A It was expressly said that persons condemned to death.

Q But, these must have been criminals?

A That was not my opinion.

Q We don't want to go into a legal discussion.

A I cannot agree with you. I have thought carefully what I was to say at this decisive point in my life and against all orders I discussed it, as I explained yesterday and I described the way the experiments were ordered there; they were prisoners condemned to death and they were given the chance for clemency, that was said.

The Third Reich was at the height of its power. We were soldiers who know about war and about emergency. I was a respected clinician, and there was a definite impression that it was done with sense of responsibility and that a general attempt was made to do something scientifically valuable and to see to it to take care of it therapeutically. That was enough for the listeners. Had I said "criminals", I would not have told the truth. The first half were criminals or less than a third, and others were agents and spies who had been condemned for political reasons, that is, no criminals.

Q. But you did not say all that when you addressed the physicians.

A. I did not say that in the lecture, but that was in the written evidence.

Q. And apart from this term "criminals" for which you said "prisoners condemned to death", do you agree with my other statements?

A. Honestly, I was so shocked by the word "criminal" that I don't know exactly what I am agreeing with. This is something which I want to have quite clear in the interest of everyone. Please formulate that again carefully. I believe I explained it clearly yesterday. That is how it was.

I consider it more important to come back to the decisive testimony of Fischer because Fischer had only this one point. That was his business. After that I spoke on five other lectures so I can't say anything in detail. The sense was what I told you yesterday.

MR. McWANEY: If the Tribunal please, I think that this particular point has been labored long enough. The witness has explained it two or three times, and I think Dr. Nelte's efforts to formulate what was said in his own words, particularly in the form of conclusions which he is assuming were settled in the minds of the listeners, is an improper way of conducting the interrogation. The witness has stated as well as he remembers what he said, and I think that is sufficient.

THE PRESIDENT: The point raised by Counsel for the Prosecution is well taken. That matter has been sufficiently covered by the examination and the cross-examination up to date.

The objection is sustained.

DR. NELTE: Mr. President, the witness, as he said himself, has not answered to my last question yet. By your decision do you wish to declare my question

improper, or do you wish that the witness does not answer to it? I would be grateful for a decision.

THE PRESIDENT: The matter has been fully covered both in the direct examination and the cross-examination and the counsel is now proceeding. The matter has been sufficiently elaborated.

DR. KELTE: Then I have no further questions to this witness.

DR. SAUTER: Dr. Sauter for Defendant Blome.

CROSS-EXAMINATION

BY DR. SAUTER: For defendant Blome

Q. Witness, I have only one question which refers to a completely different complex of questions than the ones dealt with recently. You must, therefore, switch your mind over to this new problem.

Witness, you recall that the Prosecution, and Professor Leibbrandt, based their statements on the fact that the scientific and ethical level of German Doctors deteriorated strongly during the Hitler regime, and against the Defendant Blome, in particular they raised the accusation that he, as the deputy of the Reichsarzte-Fuhrer, was responsible for the deterioration of the level of doctors, at least more or less.

Witness, whether that accusation is justified or not, I shall not ask you; but in that connection I would like to hear your answer on one definite point, if you remember it at all. Roughly, in October, 1938, a meeting is said to have taken place with Hess at Hess' office. Hess was Hitler's deputy at the time. It was the meeting in Wilhelmstrasse in Berlin with Hess presiding. You are said to have been present at that meeting, and the main topic of that meeting is said to have been whether it should be tried in Germany to remove freedom to cure and also with other doctors, medical practitioners should be admitted to give medical treatment. Medical practitioners are people who treat patients without having scientific training. I ask you do you recall that meeting?

A. Yes.

Q. Can you tell us what attitude was taken by Dr. Blome towards these problems?

A. Perhaps I may say that I have seen Blome functioning twice in my life, and I can emphasize with complete conviction that I considered him one of the most

active doctors working for the interest of the doctors in the Third Reich on both of these occasions. It must be remembered that the Third Reich, like every revolution, wanted to take away all the power of the doctors. The first occasion must have been in the very first weeks in May, 1933, when I came to Berlin, and this meeting was also with Hess. I believe there were two meetings. This meeting was called because the medical organization hitherto prevailing -- and Mr. Leibbrandt did not bring this out well -- if one considers the doctors officers, then all the enlisted men, that is, the nurses and other types of personnel, were formerly in one big consecutive organization of medicine. In spite of a desperate objection by Blome, who represented the medical profession at the time, it was not possible to have this enlisted personnel, that included thousands of people retained in the medical organization. They were put in the NSV or whatever else was organized, and I consider that one of the main weaknesses which we had after that time is that all the subsidiary organizations became independent. At that time Blome was the only man who advocated keeping all medical personnel together, and I remember the second meeting because I was in a sense the last witness in this disagreement. Hess was an advocate of nature healing, and like Himmler represented the point of view, that a danger, which existed all the time, that a health ministry should exist in Germany, and that the health ministry should be directed by a layman. As I recall, Gauleiter Roewer or someone else provided that there should be equal groups underneath, departments. Doctors, nature-healing medical practitioners, and so forth, should be given equal rights next to each other. Blome again represented the doctors, and fought for the superior concept of the doctor, for restrictions on medical practitioners, for keeping them under control but without schools and training new recruits -- that was the important thing -- the ideal was to let them die out and keep them under control. And I was called because Mr. Hess had been injured in the shoulder as a flier, and had been treated successfully for one year by medical practitioners, and then I had restored his health, so that Blome could refer to my example, that it was not advisable to use the services of these medical practitioners unrestrainedly.

I recall that Blome worked for the independent and the superior position of the medical profession. I can't tell you the details of the discussion.

Q. If I have understood you correctly, witness, your statements show that Dr. Blome at that time advocated the suspension of the freedom to cure medically, and he also opposed medical practitioners?

A. And that is what he suggested, and that is what happened, that the freedom to cure was repealed in Germany, that an examination committee was set up consisting of, I believe, half doctors and half medical practitioners -- I don't know the chairman -- and that the rest of the medical practitioners were to be tested. The seventy or sixty -- I don't know how many -- percent were recognized, but they could no longer have any schools, and they were to die out, and those who did not pass the test, they were to be stricken off the list. That is about how it was, but that is more or less outside my memory.

Q. Dr. Gebhardt, a final question. Can you, if you try to recall that meeting, can you remember that the defendant Dr. Blome, at that time when he became afraid that he could not carry his point, said to him, - I quote verbatim as Dr. Blome remembers this part:

"If you should decide here that apart from the doctors themselves there should be a second class of medical practitioners which will be admitted, to wit, that of medical practitioners, you, Herr Hess, will be the grave-digger of new German medicine."

This is, Dr. Gebhardt, how Dr. Blome recalls it now and I am asking you as I told you whether you can recall this, whether that had remained in your memory as the attitude which Blome took at that time?

A. I cannot possibly remember the wording but I believe that what he said, the suggestion that was made at the time, more or less corresponds to that. I know that there was a big uproar about a patient, either the doctors walked out and the others stayed, and in any case the health ministry was not created. There were two factions but it is quite impossible to remember the details.

MR. SAUTER: Mr. President, I have no further questions but there is one mistake in the translation which I wish to correct. When I asked Dr. Gebhardt, I used the term "Stellvertretender Reichsaerztfuehrer", which was Dr. Blome's position, deputy leader of Reich doctors. This was translated as Deputy Reichsarzt, which is a very unfortunate translation because Dr. Blome never was Deputy Reichsarzt. May I just correct this? No other statements.

THE PRESIDENT: The record will show counsel's statement.

MR. SAUTER: Thank you very much.

MR. KAUFMAN: Defence counsel for Rudolf Brandt.

BY MR. KAUFMAN:

Q. Professor, in the last few days you said quite a few things on the character of Himmler and how much Himmler moved about and which would, therefore, also apply to Rudolf Brandt. I should be grateful if you could extend your explanation a little farther and tell the Court how you ob-

served Rudolf's character, his official position, perhaps also his personality. How long did you know Rudolf Brandt?

A. I met him for the first time in 1939 when I went to Poland as escort physician. The whole staff of Himmler was on the same train. I can deduce that he was there but Brandt was such an inconspicuous person that I cannot remember. He was just there some time or other, but I certainly did not see him before that.

Q. What were your observations regarding his influence on Himmler? The prosecution describes him as Himmler's personal expert as though he had a very large influence on Himmler. Could you bear out those observations or what do you think Brandt's position was in regard to Himmler?

A. First, don't demand of me that I know all the details of Himmler's staff because Mr. McHaney will say, "We always said he knew that", but as for the rest of it, I can only tell you how it was more or less externally. We never reported to Mr. Brandt when we came or when we left and unfortunately yesterday in my exhaustion I made a statement, which might have been true but not very decent, about his mental qualifications. I withdraw the form but not the content. We reported to the Adjutant and then the Adjutant let us wait forever and a list was made up of who was to come to see Himmler and in all of this time I never saw and never heard from any one else that Brandt was present. The characteristic thing of staffs in the Third Reich, and for all in the revolutionary foundation, it is bitter for us that we always have to mention the bad side here, but first of all we had grandiose names and arrangements and then appointed just anybody to fill the position, and whether he had the name of personal expert I do not know, but in the sense of the old ministerial expert who was present at all technical questions, as I know from the days of my father, that did not exist with Himmler, as then I must have known something about him, and at the decisive moment he would not have been unaware of the most important things, but on the other hand somewhere aside from all of those things and the military form which was even exaggerated, Brandt, of course, did not fit into this background, because he was no soldier at all. There was

someone who organized all of the mail and I had contact with him because in the evening or at night the couriers came with enormous mail bags and like myself one does not stick to channels. One asked Brandt if there was any mail and asked him to get it out and then Brandt sat in his office and everything was full of mail and secretaries and people, and according to a system which I don't know, he brought everything into some kind of disorder, and then the next day he delivered it all. How long it took or what he did I don't know. In the morning everyone was there all night and we had breakfast together in the morning and that was broken off with Brandt coming in with a pile of folders and a couple of orderlies with letters, and then Himmler was inaccessible for hours and we all had to wait because Brandt submitted all of the mail and took dictation personally. There was no secretary there. I don't know whether he dictated all of it or whether he had experts. In any case I know he was originally a stenographer or some such thing and he took care of all of this mail, and then because we all wanted to get away, because we all had important business or something, Brandt disappeared and I never saw him again all day, and he had to carry out work and write out all of these letters which had been dictated in the morning, and in the evening the same Brandt came back for the signatures, and I assume everything was signed. I don't want to offend him but I always considered him a very unimportant personal typewriter, and I had no contact with him, only a few hours when we came back from the front and from operating, and it was an international custom, we sat down with a bottle of cognac and I considered Mr. Brandt a little too stupid for that purpose.

Q. One more question, Professor. Did you observe Brandt's health in all of these years? What can you tell us about this?

A. I believe it happened several times that Brandt was either sent on leave, because of some suspicions of disease of a joint, and had to be called back because Himmler did not want any strange people around him; or else he did not get away because Himmler couldn't dispense with him. There was something about his leaving, about going away for a year. That was

certainly discussed. There was nothing surgical and I don't remember these things very well. I was not directly involved.

Q. Thank you very much. I have no further questions.

DR. FLEMING: Defense counsel for Krugowsky.

BY DR. FLEMING:

Q. Professor, if I understood you correctly, in the course of your interrogation you said that Krugowsky had nothing to do with sulfonamide experiments. Would you please confirm that now?

A. Yes, the question of whether the sulfonamides were to be tested through bacteriology, basic research, or whether it was a clinical front problem; I was the clinical man and Krugowsky was the hygienist, and there were two different conceptions of experts. When I appeared Krugowsky had no purpose any longer and I certainly did not see him personally. I would remember if he had appeared.

Q. You know that the prosecution alleges that these cultures for these sulfonamide experiments were supplied by the Hygienic Institute of the Waffen SS. Do you know who caused these cultures to be delivered?

A. I can only say they certainly came from Berlin and were sent to us by Grawitz's orders. On the other hand I can say I did not have any bacteriological cultures in Hohenlychen. They did not come from me. That is certain. The other thing is clear with reference to discussing it with Grawitz. I did not have drugs in large enough quantities, they came from Berlin to me. As far as I recall, I can't be so definite about all of these details. From the very beginning, at least in every group, I think more often twelve or so, because for every experimental subject we had to have mixed cultures prepared, which I have described, which is sometimes only two and sometimes one, and sometimes only gangrene, we had to get them, but we had to have agents prepared and so forth and that came from the Grawitz agency and it came from Berlin. It could only have been from the Hygiene Institute, for he would not have got it from a civilian agency. It came by car and from a young man who came from Fischer. I remember it came from Berlin every time. It was not Krugowsky.

Q. Do you recall when these deliveries of culture began to be supplied for you and when they were finished?

A. I can confirm the details only to the extent that the cultures were there when these experiments were conducted. They were there from the whole time from July until November, but I can't give you any more details.

Q. My final question is: What germs were used?

A. The mixed cultures were streptococci or staphylococcus cultures, plus the gas gangrene, and there was a certain distribution, and they were separated. Other additional germs were not asked for, such as tetanus. They would not have fitted into the experiment and that did not occur through chance experiment either, for we would have noted that in the preliminary experiment.

Q. Tetanus, contrary to what was said by one of the witnesses, has not been used by you?

A. No.

Q. Thank you very much.

DR. FRITZ: Defense counsel for Rose.

BY DR. FRITZ:

Q. Professor, before the collapse did you have contacts with Professor Rose?

A. I believe I have mentioned that already. We had no contact with each other. We worked in quite different fields. I can recall somewhere at a meeting or in preparations for the fourth meeting or some such thing Rose was there; and on the other hand I did not have any personal conversation with him, as we had nothing to say to each other and I had nothing to do with hygienics of the Waffen SS, but I certainly knew him as the famous hygienist Rose.

Q. In the course of your talks with Grawitz and Himmler, Rose did not come into that?

A. I explained I had no personal relation.

Q. Thank you. I have no further questions.

DR. HERRI FOR THE DEFENDANT GENZKEN:

Q Professor, in August 1943 there was a conference in which the reorganization of the Waffen-SS was ordered. In that conference was there said anything of experiments on concentration camp inmates or anything referring to concentration camps?

A I have tried to show that I instigated this discussion and that it had a purely front purpose, that is, the collapse of medical arrangements and the lack of medical reserves, etc., in the Ukraine. The circle which was called together at my request were doctors from the Ukraine, Grawitz and Ganzken, Stumpfegger was also there. This all referred to the acute problem at the front. It is true that Grawitz took advantage of this to acquire for himself something which would not have been necessary according to my suggestion. I needed material, doctors, from the police and the Waffen-SS, and a certain connection with hospitals in the rear. There was no point in making an organization from the bottom - all we needed was an organization from the top. Four weeks before I had been shot down from a plane, and had come back, there was no other consideration. I cannot remember that any other things were discussed.

Q The defendant Ganzken is also accused of his alleged participation in sulfonamide experiments in Ravensbruck. When you talked to Himmler and Grawitz did you take in Ganzken in this connection?

A I have explained exactly who the people responsible were. Gruppenfuhrers the Reich Fuhrer called - people responsible for building up his big new Waffen-SS. I don't know who was there. Hebe was still there as intelligence man at the time, Grawitz was there, and I was there. That was the group that discussed the whole thing, and carried it out. I had no reason to call in Ganzken. That was not the level on which discussions were held.

Q Did you write to him or talk to him orally about these experiments?

A Certainly not. Ganzken learned what everyone learned at the Third Meeting - publications and directives. Whether his expert told him anything or not of what was reported I don't know.

Q That is not the point at the moment. All I wanted to know was if you reported to him personally - a final question. Dr. Flemming talked about the supplies of gas gangrene that were alleged to come from the Hygiene Institute of the Waffen-SS, including glass bits. Did you talk to Genzken on that affair?

A I should like to say that, of course, I was glad to deal with the thing on a large scale and I take the responsibility for it. But, I only know that some subordinate officer brought the stuff with which it was carried out. I had more worries than that than to go to Grawitz and ask where the stuff came from which could only have been the case of the Hygiene Institute. It was only a question of delivery - no basic question.

Q Thank you very much. I have no further questions.

DR. SERVATIUS FOR KARL BRANDT:

Q Witness, do you recall the Tenth Anniversary in the autumn of 1944 in Hohenlychen? Do you know whether Karl Brandt was present?

A No. I have already described the Tenth Anniversary Celebration. It was a personal celebration such as every clinic had - the clinical family celebration, that is, teachers and students. My relations to Mr. Brandt were so distant, we did not know each other personally very well, I would never have invited Mr. Brandt.

Q I have no other questions.

DR. BACHEL for the defendant Poppendick:

Q Professor, do you know anything of a Department of Planning in the office of the Reichsarzt-SS - an experimental department V, which dealt with planning or carrying out of experiments, as it is alleged?

A No. How Grawitz carried out his service I don't know. I never heard of "Section V" or "planning." In my sulfonamide experiments I did the planning. I don't know anything else.

Q Did you at any time talk to the defendant Poppendick on the experiments as described in the Indictment, or did you exchange information with him in any sense at all?

A No. It was not that way. They were on the same level with varying weight, Grawitz who had the higher rank. And, when one refers to the Reich physician I certainly had more weight as a personality. But, of course, I was organized in the same way in connection with the Army and taught in the various other agencies; and Genzken was senior and had a certain position from that. It was not so that I had three adjutants and antichambers and I had to report. If I wanted something from Grawitz I called him up, I went in civilian clothes, and I told him I don't like this or I would like that. It is possible, of course, I know Poppendick, and I certainly saw him, but Poppendick was never in my house. I never invited him. He never took part in a conference with me because I did not discuss these things on this level. I don't know that Poppendick was always there. He had another office too. On the other hand I always came from the front or Hohenlychen. I had other medical experiments. I told Grawitz I will come to Berlin next week. I will possibly come to see you and that is all I said. No one could know when I was coming exactly or whether I was coming for certain. That I went through Poppendick's personal office there is no question of anything like that. I can't tell you what Poppendick actually did.

Q Thank you. No further questions.

THE PRESIDENT: The Tribunal will recess.

(A recess was taken.)

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THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

KARL GEBHARDT - Resumed

CROSS-EXAMINATION

BY MR. McHANEY:

Q. Herr Professor, you have testified very clearly and emphatically as to the efficient and careful way in which the sulfonamide experiments were executed under your supervision. You have stated that you made a substantial contribution to scientific knowledge concerning the use of sulfonamides through these experiments. You insisted on publicizing your experiments for what they were. You stated that you successfully opposed Grawitz' efforts to brutalize and pervert the sulfonamide experiments. You stated that over the years 1942-43 you learned something of other experiments, most particularly Rascher's experiments. You further stated that you finally influenced Himmler to bring order out of chaos in 1944 and that a regulatory system for experiments was set up in which you played a part. All of this, plus your high official rank in the SS, and your knowledge of Himmler and military medical service in Germany, leads me to believe that you can, if you are willing, tell us a great deal about the experiments which are the subject of this trial and perhaps other experiments on human beings. Will you do that?

A. I was perfectly aware of the dangers of my testimony and the attack which you would so clearly aim at attributing to me all the knowledge of every one of these matters. I might have made the hopeless attempt -- something which was humanly rather plausible, to be reticent about my testimony. I chose the other path and I described, roughly speaking, all I know. I am perfectly prepared to supplement my testimony, if you put precise questions to me. But please, will you permit me, during a fair duel, also to say that our conditions of battle and quarters are somewhat different, but that we are also concerned with the fact that you are basing yourself upon the assumption that everything in Germany

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proceeded in an orderly and obvious manner and that everything could be seen and differentiated clearly. That was not the situation. In connection with that I would like to emphasize also that with ever increasing dramatic conditions the state of emergency would grow to a point where a number of matters which were points which we would normally have noticed quickly, did not come to my knowledge. Thus, will you please believe me when I say I did not know, I did not conceive it, and that when I say I cannot recollect, it is not because of my being too cowardly to tell you?

Q. Herr Professor, isn't it true that it was generally understood in military medical circles that concentration camps would be made available by the SS for experimentation?

A. That I do not believe to be the case. I believe the expression "generally" is too far reaching. If you want to know the exact details, then put the preliminary question "What did all the others receive? What did one generally know in Germany about concentration camps?" If you don't want to hear that, then I can only tell you that the full realization of what was going on in concentration camps ... the events in an individual concentration camp, were such changing matters, with an ever-altering picture, and that the desire, the wish of every individual who was in touch with the concentration camp, to gain distance from this matter as soon as possible was so strong, and that there were cautious men who did not want to know anything about it so that no one might put questions to them -- that you can certainly not say that German medical men knew this or knew that. If that is the general type of answer you want to your question, then I must answer with NO.

Q I understood you to testify that Hitler had approved of medical experimentation on concentration camp inmates, and that disposition was reached by you no later than 1942, and that you specifically learned about it when the sulfonamide experiments were under discussion. Isn't that true?

A Quite. But then it is wrong once more what you said earlier--that I had such clear-cut knowledge about Rascher before-hand. You must allow us to draw a clear dividing line--something which is almost impossible today--regarding the things that we know beforehand, and what we learned currently, and what I know today through the trial and the number of people who are informing us. I know today, for instance, what I did not know before, that Himmler went to attend Rascher's experiment. He did not talk about that to me. I know today he took the chief of his personal staff along on this journey, Obergruppenfuehrer Wolf, so that he would report to Hitler straightaway, and that subsequent to this Hitler agreed in principle; so that this is really the first occasion when Hitler expressly approved of the matter; but this is knowledge which I have now from the files and because I talked to Wolf.

Once again I am using this to show how these things were running concurrently. For instance, Wolf was my patient, and he did not know anything at the time, and we can say this under oath, about the sulfonamide experiments. On the other hand, that Wolf carried out this contact with Hitler, without telling us about.

Q Let's get this straight. I understood that you talked to Grawitz about the sulfonamide experiments early in July, or shortly prior thereto, and that both Grawitz and Himmler gave you to understand that Hitler had approved in principle the use of concentration camp inmates for purposes of medical experimentation. Isn't that right?

A Yes, that is correct.

Q Now, if that decision was made, Herr Professor, and it was considered helpful to perform medical experiments on human beings, why, then, was not that decision by Hitler, the ultimate authority in the state,

made known to the authorities in the military medical sector? After all, you can't use concentration camp inmates for medical experiments unless somebody knows that they are available.

A Will you permit me to tell you that this is a type of question which one can only put if one does not know at all what the role played by concentration camps in Germany was. Believe me, there was a fight until the conception of anonymity and secrecy attached to concentration camps was overcome by me by my report during that Third Congress. I do not believe that this clear form was ever expressed before, nor was this secrecy ever penetrated before, nor could I think afterwards, so that all the authorities which had immediate jurisdiction over concentration camps--which is one of Himmler's executive departments through the RSHA, through Glueck and Pohl and so forth--they, right from the start did not allow anyone to look into their activity, not primarily in order to hide these

experiments, but because the entire arrangement, the exploitation of this economic potential, was only possible, after all, by transferring them to the property of SS and arranging them under the control of the SS. In other words, the situation was not that simultaneously there was now suddenly a current order informing all German official departments regarding the possibility of carrying out experiments in a concentration camp. Neither was it over the situation that the supervising bodies of concentration camps ever attached any importance to having doctors or men of any other type admitted from the outside. Only Grawitz and the staff under Lohning, had the passe to enter concentration camps.

Q Now, Professor, everyone realizes that the SS had to make these inmates available. The SS had to be approached. No doctor from the Luftwaffe could walk down to Dachau and get in, we all understand that. But it seems to me that you have overemphasized the secrecy aspect of concentration camps and experimentation on inmates when you say that only after your speech in '43 was the matter publicized. I am not interested in whether it was publicized in the broad manner that you suggest; but it is not inconceivable that, after Hitler's decision, that inmates could be used for experiments, he might pass the word along to such a man as Hanloser, without breaching the secrecy veil of concentration camps; he might pass the word along to Milch and to Hipke. He might pass the word along to Conti and Karl Brandt.

Now, you have assumed your responsibility in connection with the sulfonamide experiments. You have no occasion to shield other people from accepting their responsibility. Don't you know, as a matter of fact, that the high authorities in the military-medical services of Germany did know that they could approach Himmler and the SS, and obtain inmates for experimental purposes?

A I think that one can only explain this by means of individual example or experiments as far as I know how they arose. First of all, you are making one principal mistake, to overestimate or underestimate information from Hitler or Himmler, according to how it fits into the particular stage of trial. The situation was certainly not that-- and, mind you that I was not

there— that Hitler might have said, "Now, then, whatever can be cleared up now in the medical field will now be cleared up in a big way through experiments," so that there would have been an order to all official departments that whoever had anything to do with this matter should be consulted. That certainly was not the situation because then there would have been experiments in many other fields.

On the other hand, I am sure that Himmler—and, mind you, the cause was an initiative coming from outside any channel of orders—and it seems certain—something that I must assume—that I did not know—Rascher did write to Himmler, that Himmler then goes to a concentration camp, and that Rascher is asking Himmler to develop a very productive type of opinion with reference to the whole affair, and that something originated in Himmler's conception, and that he is immediately making a report.

Do you think that history will ever ascertain how cautiously and how generally Hitler's wishes and instructions were expressed?

On the other hand, I am sure that it was enough—and, mind you, this is all assumption on my part—it was necessary for him only to say to Himmler "Good Heavens, you have a wonderful way there. Why shouldn't they experience the same fate as people at the front?" That is was enough for Himmler to take up the matter. Naturally, it is correct for you to say that nobody could enter a concentration camp or report an experiment or order who did not take this matter to Himmler first. I think that, with a certain amount of good will, it is correct to say that in the initial stage we were concerned with individual cases and that eventually it was increased, but surely there are three completely different ways we are concerned with. There was the Air Force, and there we are concerned with the very head of it, where it started, or maybe it started right at the bottom in the double figure of Rascher between Luftwaffe and SS. I am sure that wherever we are concerned with this question, we are concerned with the group Grawitz-Conti. I have described to you the sulfonamide story, and in the case of all the others you always come across the circle of persons I have mentioned, but it is quite sure that Brandt and Handloser, up above, were never touched with a general order, nor that they should look into the matter. At any rate, that never occurred in my sphere.

Q You testified that you were told of Hitler's decision, I believe, in connection that he made that decision after he had heard of Rascher's experiments, is that right?

A Yes.

Q Grawitz reported this decision of Hitler to you?

A It seems to me I heard it during a conference between Himmler and Grawitz.

Q It was in May or June or July, 1942?

A What I want to say, what I think, it was at the end of May, 1942.

Q So you knew about Rascher's experiments before you got the letter from Rudolf Brandt in December, 1942?

A That was, of course, the type of question I had to expect from you, and I can tell you with accuracy, that was no so, that someone went and said, "Here we have this experiment and here we have that one," and so on. Himmler said it is quite clear that experiments are being carried out, and it is equally clear that he talked to Hitler about it, and that what I recollect is the much more important sentence that at that time people, who were there, should suffer the same fate. Just which experiments he was referring to, I can only say, it is quite in detail, why, I admit that, and whether it was mentioned at that time or not, I don't care, but there was much secrecy attached to it all. Experiments were going on at that time, and my objections and careful discussions, no doubt, were not shared by the others. If, on the other hand, you ask me now whether I can exactly and clearly and surely have known at the time that Rascher and the air forces were so involved, then I once again tell you "no".

Q But you have no doubt that Rascher's experiments in Dachau were ordered and sponsored by Milch and Hipke, at least?

A I can tell you that I heard now, heard it through two sources, first of all these proceedings here with their clear cut evidence. This all must have been taken to Himmler. Secondly, Wolf too testified both in the Milch trial as well as when I asked him, and I told him it was important to me to know whether Himmler really could refer the matter to Hitler, and he

said, "I saw it myself, and by authority Himmler he reported it to Hitler." The cause was the visit into the Hascher experiments.

Q In other words, even Himmler would not have undertaken this type of experimentation without having been covered by Hitler, would he?

A Now, that is something, just another question which I already turned to use, I already expected you to put it. That is half wrong and half right like all these things, and I am perfectly convinced that if Himmler had the wish to assist and if it was within his powers then he started whatever he could do. On the other hand, according to the story told, and I am convinced that it was so, Himmler actually and deliberately went to Hitler and told him, "Mein Fuehrer, in one of the decisive problems of the air force," and please don't say right now of course you knew, see, "in one of the important decisive questions of air force problems, we can advance the entire development regarding the reconversion of the air force" involved in at that time, "which can be advanced successfully, I have already started on it at Dachau. What do you think about it?" And then Hitler probably said, "That has got to be done for the benefit of the air forces. It is my point of view that they have to go through everything at home during this decisive struggle." And then Himmler never again in his life would have gone back to Hitler with that, and he might say the head of my staff, the head of my state, wanted that. That is my description of the matter.

Q Well, we at least can agree that a stabarzt in the Luftwaffe like Leicher would not have undertaken these experiments without knowing that he was declared by a superior authority, would he?

A No, no, no. That is quite out of the question, of course. He had cover, the backing. First of all, when one part of the experiments started through a department which had jurisdiction over him; and of course, the extent of that I couldn't quite judge during the lecture; and as far as the second part was concerned, namely that of his own independent experimenting, he had the express personal backing of Himmler. At least that is how I understood it.

Q And the same Principle would apply to such a man as Hagen, would it not?

A Hagen, of course, must have had the backing of an official department, and one of them must most certainly have been Himmler at all times. If Hagen now carried out an experiment on behalf of the air force, then of course he must have had the backing of the air force. If, however, he succeeded through some other channels, apparently if he succeeded through HIRT in entering into the Ahnenerbe circles, then in this capacity, of course, Himmler's order alone was sufficient. I can't decide on these matters because I only know what you have said here in court yourself. Some of the documents seem to confirm that we are concerned with air force experiments, but air force gentlemen have said it was purely Professor Hagen with Professor Hirt who carried out on these matters. At any rate Himmler's confirmation was also essential, and that of the official department above, who also had to be informed. I can't judge this. That was in individual cases.

Q Of course, the SS and Himmler were the common elements in all of these experiments since they were carried out on concentration camp inmates. So both understand that, don't we?

A Yes, of course.

Q But before we forget it, let's rehabilitate Rudolf Brant just a little bit. I feel that you belabored him rather heavily in the direct examination. He was a Standartenfuhrer, wasn't he?

A Rudolf Brant, yes, that is right.

Q That is only two ranks below that which you held, wasn't it?

A Yes.

Q Now, you are a doctor and a professor, Witness, and perhaps you are inclined to be a little bit impatient with administrative officials, but if we are looking for a man who knew what was going on with respect to Himmler's office, a man who handled all the correspondence, a man who wrote letters of some importance on his own initiative, then that administrative official could very well be Rudolf Brandt, couldn't he, Witness?

A I have described to you the position which Rudolf Brandt held. Will you please tell me in this individual case to what extent you think it is uncertain?

Q If I understood your description, Himmler regarded Rudolf Brandt as being something in the nature of an indispensable man, he wanted him around, he wanted him to handle his correspondence?

A Yes.

Q He had access to top secret information by virtue of that position?

A Yes, yes.

Q And he was a man of substantial rank in the SS?

A I think that you do great injustice to Rudolf Brandt when you underline his rank in the SS. All mail went through Brandt, that is right, and it used to go the same way before when the ranks were higher or lower. This department was always the same. Then afterwards as a reward he was externally speaking transferred to that corresponding rank, and became Standartenfuhrer. I am not sure he was at the front. He was there for a bit. But in the Waffen SS he most certainly was not Standartenfuhrer. He had this rank in the General SS.

and in the Waffen SS, for a very short period-- but I had better be careful there-- I think he was Hauptsturmfuehrer, he was something like that, when he served for a while, but as commander in the Olden Waffen SS, a rank which is two groups below mine, he certainly never put in appearance. His position rated the same before as afterwards; you can draw your own conclusions from the individual case you want to present.

Q Now, you participated in an attempt to overthrow the Weimar Republic as early as 1924, didn't you Witness?

A Who? Me? What do you mean, to what extent? Might I have your reasons for that statement?

Q It seems to me that I have seen something to that effect that you have participated in such a Putsch in 1924. Am I incorrect on that?

A No. I am awfully grateful that you are bringing that up because now I can show you how these affidavits are made. That is just what I have been waiting for. It says in my affidavit in great detail, now, let me read this to you. In my affidavit it says "painstakingly", "in the Nazi putsch in 1923 I took part." Now, about this matter, about this simple sentence, there were at least three interrogations, and the gentleman who so kindly carried them out is sitting right here and he will be able to confirm to you how right I am.

Q Witness, I will ask you to keep your headphones on in order that we can control the examination just a little bit. Now, I am not interested in having a discourse by you of how interrogations were carried out. I asked you a question about your participation in this putsch in 1923. Now, you may explain that, but I don't care to hear anything about the possible mistakes or inaccuracies which arise in affidavits which you read and which you signed. I am just interested now about what part did you play in this early Nazi activity, if any?

A That is something which I am just trying to explain to you. I am not taking my earphones off, you know, to stop you, but I suffer from a head injury which I have been having the greatest difficulty, but if you insist I keep to this, of course, I will do so. 4194

Q Witness, I don't wish to have you labor under any physical difficulties. If you will limit your answers and be concise and to the point, it is quite satisfactory to me to have you take your headphones off, but we don't want to take any unnecessary time in this interrogation. We are simply seeking information, so let's eliminate this attitude of duel which you have conjured up and get along with the proceedings.

A I am attaching a great deal of importance in explaining my participation in 1923 because it has become important. In 1923 I took no part in the party, nor within the SA as it existed at the time, and with Oberland which took part as a third section, but I was used as the medical officer on duty. I walked in the third row without anyone else, and I treated both the wounded of one party as well as those of the other, such as a captain who was shot and died in my arms, just as much as Mr. Vondenfurth who was fighting for the other side. This is something I said yesterday, and I think I can supply to you witnesses stating that was so. But the youth group which was under me from the Oberland division was not taken along in this march by me, and it subsequently, in 1925, did not enter into the recently formed SS which originated from participants of the 1923 affair.

I do not consider it a shame, if a German, as a doctor, assisted both sides at the time, and marched along, but that I should have personally overthrown the Weimar Republic during this one year when I was an assistant doctor--that seems improbable to me.

Q Who sent the order that no prisoners were to be captured at Ravensbrueck in 1945?

A I'm afraid I don't quite understand your question.

Q You testified yesterday that while you were in Hohenlychen, shortly before the collapse, you saw an order that no prisoners were to be evacuated from Ravensbrueck - no inmates. Pardon me, I phrased that wrong, that they were to be evacuated -- that they were not to be captured. I'm asking you, who sent that order?

A It is known from the previous trial, and it was discussed in detail that Hitler's order came at the end, that from no concentration camp should a single inmate fall into the hands of the enemy, and that Kaltenbrunner, in his official capacity, passed it on. I told you that I heard this myself, and that excited discussions between Himmler and Kaltenbrunner took place over the telephone. As far as I know, -- as far as I know, it wasn't carried out in Ravensbrueck, whether in other camps I don't know, since the transportation and the continuous transfer of such camps to other districts was simply not possible.

Q When did you join the SS?

A In 1935, in the spring.

Q Weren't you at least an unofficial member as early as 1933?

A No; no, I wasn't. Do you mean the 'subscribing members'?

Q I'll pass you up a letter which you wrote to Heini Himmler on the 12th of May 1933. This is Document NO-649. I just want to read a couple of sentences out of this letter and then you may explain what they mean. It is a letter from the witness Gebhardt to "Dear Heini Himmler", dated 12 May 1933. The first sentence reads:

"Excuse me for requesting your help again as an old Landslut comrade.

"I had an interview with you at the end of May 1933. You suggested at that time that I should join your personal staff as medical collaborator. Thereupon I no longer tried to obtain admission to the SA as their athletics physician. You told me in July 1933 by telephone that I had now been appointed by you, that I should fill in the questionnaires and that I should submit an outline of my activities to the Reichsarzt."

And then, down in the second paragraph, there's a sentence that reads: "All this puts me in an impossible position: you incorporated me into the SS, never received a written acknowledgement nor an answer to my applications." Now, were you, in fact, appointed in the nature of an unofficial member or something of that nature in 1933?

A Just now you're making a small mistake. You see, the whole personal background cannot always be read out of documents. The second head of the Hohenlychen Institute at the time, in the director's board, was Dr. Denker. He, was Reich Medical Officer of the SS, if he did exist at the time, and also at the same time, he was holding a ministerial post, and he was the head of a committee for tuberculosis. The sanatorium at Hohenlychen was under Denker's command in two capacities; one is in his capacity as Tuberculosis Chief, and it was my own wish that I should have some clear-cut official relationship to Denker now regarding my own activities. I cannot

tell you clearly what this memorandum contained, but I made a draft for it, to the effect that I should work to an equal extent for the Reich Ministry of the Interior, that is, State Secretary Tschammer, at the same time, for Denker's staff under Himmler, and thirdly in the same capacity also for Dr. Todt. After Denker had not agreed to this at the time, but wished a decision to the effect that I should either work for the SS or for Tschammer, who was with the SA, it was not actually brought about, but only in 1935, when Tschammer himself agreed, which is something I have told you, because now he was interested to exclude all these difficulties with tuberculosis, and I'm saying here that I found myself in an impossible position, because now Denker is now no longer Reichsarzt, though still my superior.

Q So it's not correct, when you state to Himmler, that "You told me in July 1933 by telephone that I had now been appointed by you?" I understand that to mean "appointed by the SS."

A I know perfectly well that you are now trying to show me proof, how unreliable my testimony was, but I, at that time, wanted to be both in Denker's staff under the SS as well as Tschammer's staff in the SS, as well as on the other staff on the Organization Todt, and at the same time, in the Ministry of the Interior. That I was a member of all these four organizations, thereby also in the SS. If I could remember this matter in detail I would have told you. I would have told you honestly. The point when I really am going into the SS lies in Spring 1935, but it was not accomplished at this time because of these complicated conditions. That's the best explanation I can give you.

Q Were you ever a member of the faculty of the University of Strasbourg?

A No, that is Professor Gebhardt, the pharmacologist.

Q You testified that you were a consulting surgeon of the Waffen SS beginning in 1939, I believe; is that right?

A My position in the Waffen SS, both formally and as far as its contents are concerned, can't be so very easily defined. You must believe me that. I received my appointment, and my task regarding my activity at the front, signed by Himmler, in May 1940. And there it states: "In your capacity as consultant surgeon to the Waffen SS"; that is correct, and at that time there was a hospital detachment of the Waffen-SS at Hohenlychen, but at that time the Waffen SS was not yet in existence, and the term "Waffen-SS" is painstakingly achieved in June; and one of the first people appointed on the staff was I. But the position in practice was that, in reality, I belonged both to the Waffen SS as a surgeon, not as consultant, as well as to the army in this case, a certain army, and as consultant surgeon also to the Sports Organization, and also the Organization Todt. I'm summarizing it; there was never a clear-cut position. But I did have the name, the title, "consultant surgeon to the Waffen SS", such as the certificate states.

Q And you retained that position until August 1943; is that right?

A That is changing afterwards because I'm trying to extend it. Above Sports and Waffen SS I had under me, and also to the police, and a superior conception had to be created, thus the unfortunate words, "supreme clinic official", came up, because there was no subordinate clinic official. And that was of course at the end of August 1943.

Q Well, weren't you —

THE PRESIDENT: Counsel —

MR. McHANEY: Pardon me.

THE PRESIDENT: Have you finished your examination in connection with this letter, signed by the witness under date of 12 May 1943?

MR. McHANEY: Yes, I think I have, Your Honor. There are other letters—

THE PRESIDENT: Well, with regard to that letter, there are apparent inconsistencies. It is dated 12 May 1933. The first line of the second

paragraph reads: "I had an interview with you at the end of May 1933."
Again, "You told me in July 1933," and, in the long paragraph, the third
line: "I was transferred on 1 September 1933." Those are dates subsequent
to the apparent date of the letter.

MR. McHANEY: You're quite correct, Your Honor, and I'll ask the
witness if he can clarify that from the original document he has in his hand?

THE WITNESS: Well, that means that apparently the date at the top,
"May the 12th 1933", must be wrong. According to the contents that follow,
I don't know, but it is correct that the events which are described, Danker's
retirement, and negotiations regarding Conti and all that, all the alter-
ations happen in 1933. The end of May 1933. Yes; yes; that's quite right.
I went to Hohenlychen; that's right.

THE PRESIDENT: There's anote on it, 24 May '34, in front of
initials "H M".

THE WITNESS: May 1934; that's right; quite right. So that the cause
of a mistake, Mr. President, will obviously be that it should be "12th
of May 1934", because the whole current events go through to September 1933,
in this letter.

A I cannot, you see, recollect this letter at all.

MR. MC HANEY: If the Tribunal please, I would suggest another possibility which I think is more likely since the dateline is Hohenlychen, and then appear the numerals, Arabic 12, Roman V, Arabic 33, I think perhaps that date is actually December 5, 1933, but the date below which is 24 May 1934 and initials Heinrich Himmler, I think are written on the letter and apparently are file marks rather than the dateline carried by the original letter. It is quite apparent, however, that the letter must have been dated sometime following September 1933.

THE PRESIDENT: It would seem reasonable if the letter were originally dated 12 May 1933, Himmler may have received — I mean, dated '34, 1934, Himmler may have dated it when he received it, 24 May '34.

MR. MC HANEY: That is probably the correct analysis, your Honor.

THE WITNESS: May I remark in this connection that it is becoming apparent I am saying that after the 1st of September I am going to Berlin after a visit from doctors, so that everything must have been written after the 1st of September.

Q (By Mr. McHaney) Witness, going back to your position prior to August 1943, is it not true that you were immediately subordinated to Genzken as Chief of the Medical Services of the Waffen SS?

A I have made efforts to describe this in such a way as to show that the part of my staff working for the Waffen SS was under Genzken's orders, but that was definitely a very small portion and dependent upon the number of matters I took up to Genzken. It would be equally right to say that at the same time I was the adviser of the Todt Organization and came under that just as I was on various other spots. Purely formally speaking I considered myself as being on the same level, and particularly with questions to the Waffen SS, which was only being painstakingly formed during these years; had contact with Genzken.

Q When did you first hear of the Ahnenerbe Institute, do you remember?

A I believe myself it was not so much the institution of the Ah-

nenerbe. Discussions always dealt with the entry into the so-called circle of friends of Himmler. That, of course, is the superior institution. I think Himmler rather quietly indicated to me at some stage that it was rather a good thing that I wasn't in that circle. As far as the Ahnenerbe is concerned, and everything that was subordinated to that, they all came under this circle of friends, and I also believe and I want to say this cautiously, that it was from there that they were paid. Of Ahnenerbe itself I saw during meetings Professor Dr. Fuest representing Rector Gas, Munich organization, who was the chairman of the Ahnenerbe.

Q When did you first hear of their connection to medical experimentation on concentration camp inmates?

A I do not believe that that became abundantly clear to me till the very end. It was always my impression that this came much more directly under Himmler; that it was going through military channels, and that they had a military medical department and that Sievers was so important was something that never dawned on me. It was said that there was a direct order, just as it was the case with us, without that there was any institution inserted inbetween.

Q Well, didn't you know when Rascher came to see you in May 1943 that the Ahnenerbe was connected with his experimentation on human beings?

A Yes, of course. I am admitting it to you. It was one of the points under discussion between us. That's what we were concerned with. At that point Rascher is saying, "No, I shall continue to experiment, this time under Himmler's supervision, and by name I am under the Waffen SS, and I am immediately coming to the Ahnenerbe." That's how I knew that Rascher was allowed to continue, and that since he had to be placed in some special organization he was put under Ahnenerbe.

INTERPRETER FRANK: I didn't understand the last sentence of his answer. Perhaps you can have him repeat it.

Q The translator did not understand the last sentence of your answer. Will you please repeat it?

A I was saying that he did not begin his work in Dachau, in my

opinion as a member of the Ahnenerbe, but in his capacity as a captain in the Air Force who was to go over to the Waffen SS and who was immediately retransferred to the Ahnenerbe, only because he should be removed from any reach of any supervising doctors; that is the way I understood the matter to be.

Q Was Tascher wearing a Luftwaffe uniform when he visited you in May, '43?

A No, no -- that -- I can't tell you that. I was going to say no right away, but I can't be certain about it. I would have thought -- well -- Fischer must know, Fischer took him around with me. At any rate it is probable that -- more probable that he was wearing an SS uniform to my recollection at any rate, rather than the other uniform, but I can't remember those details now.

Q Well, you referred to him yesterday as a Stabsarzt in the Luftwaffe coming to you --

A Yes.

Q --and you treated him with some scorn, so I therefore got the impression that he must have been still in a Luftwaffe uniform at that time.

A That's an assumption which I would like to refute right now. It wasn't that I treated the man as inferior because he was working for the Luftwaffe. I toned him down because he came to me --

Q Do you mean to say that you treated him with scorn because he was a member of the Luftwaffe, but you referred to him as being a Stabsarzt in the Luftwaffe and for that reason I assumed he still had on his Luftwaffe uniform.

A I spoke for much too long to this Tribunal yesterday for me to repeat everything now that I said yesterday. I said the man came along with a memorandum for the Waffen SS. Therefore we have here Waffen SS, and then I said he came as a surgeon on behalf of the Waffen SS, and then later on the man came, referring himself directly to Grawitz and Himmler, so that quite certainly the question over which I had rows with him did

not have anything to do with the Luftwaffe. What is important is that he is evading me afterwards, stating that he can also apply himself to the hygiene department and other work which he had carried out secretly; I don't think that the word secret was used, I would have remembered that, and this work was carried out by the Luftwaffe.

Q You do not remember whether he was wearing a Luftwaffe uniform, an SS uniform or civilian clothes; is that right? You just don't remember?

A Naturally he reported to me in uniform, but I cannot on the other hand say which one it was. Very probably the uniform of the Waffen SS, because, as a newly adopted member of the Waffen SS, he had to report to me so that if he didn't wear it then it could only be because it hadn't been completed yet; otherwise he would have had to report to me in the proper uniform, but I do not remember it.

Q Did I understand your testimony yesterday to mean that there came a time when you served as adviser to Himmler with respect to medical experiments on concentration camp inmates?

A I have already said earlier that I assumed that you would put that into my shoes because of my open minded statement. It isn't true. It was described in detail that I was urging myself upon him in those borderline questions as far as I considered it necessary. I was convinced that I had shown you that there was not one adviser because in questions of biochemical subjects he couldn't ask a surgeon, "Well, implicate me if you must." I can't explain it to you any differently.

Q Then you are testifying that you did not serve in the capacity of advising Himmler on medical experiments carried out on concentration camp inmates; that you may have been approached from time to time but you didn't occupy any position with respect to that?

A I have been trying to describe to you that Himmler did not have a central one man adviser and expert of that type, but on the other hand, I have been describing to you that I was making efforts to react to all these matters and that I am only claiming for myself that I always stated to Grawitz, "Don't allow everyone to persuade you that these experiments

are important. Look at the people with whom we are concerned who are putting at Himmler, and if you can't stand up to Himmler, if you don't dare tell him that this is not a department, then will you see to it that it is being done together with me. I think I can undertake to tell Himmler whether this is a department and whether there is an expert doctor." If that's what -- if you are now stating that I am implicating myself, then it isn't true. It is certainly not the situation that Grawitz came to me with everything, nor is it the situation that Himmler was telling Grawitz everything, and don't you forget that after 1944 we were heading for the abyss rapidly.

THE PRESIDENT: The Tribunal will now recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330, 7 March 1947)

THE MARSHAL: Persons in the courtroom will please find their seats.

THE TRIBUNAL IS AGAIN IN SESSION.

KARL GEBHARDT Resumed

CROSS-EXAMINATION (Continued)

BY MR. MC HANEY:

Q Witness, what concentration camps have you visited other than Ravensbruck.

A None.

Q What concentration camps did you know of other than Ravensbruck?

A I know the name of Sachsenhausen and Dachau because they were mentioned most often in the course of politics, especially from abroad. In Germany we did not know all the names. There were a number of intermediate installations. The organization Todt, for example had labor training camps which were conducted by as SS staff which were locally made into a Gau. I know that in every Gau there were at least one or two camps but I cannot tell you exactly how many names I know formally.

Q You mean to say that in each Gau you know there was a concentration camp?

A Certainly, every Gau had that. I said there were training camps, there were youth camps, for juvenile delinquents, and that went up to the concentration camps.

Q Do you know specifically whether there was a concentration camp at Auschwitz?

Yes.
Q Did you know whether there was a concentration camp at Weimar-Buchenwald?

A I know it, yes.

Q Do you know there was a concentration camp at Gross-Rosen?

A No.

Q Neuengamme?

A I don't know whether I learned about Neuengamme before or only when I got there, but I did know that there were two or one near Hamburg--ano.

Q Do you know there was a concentration camp Treblinka?

A No, I don't know that one. I don't know it today.

Q Maidanek?

A No.

Q Do you know Dr. Kramer?

A No.

Q Do you know Dr. Treite?

A I know a Professor Kramer of the Virchow who worked with me at Hohenlychen for tumor research.

Q Well, was Treiter--when was Treiter under you at Hohenlychen?

A Kramer, Professor Kramer he was from the Virchow Hospital, he was an exchange professor. He asked to have his institute housed with me and he himself worked in the other city. He was a gentleman at least ten years older than I. He was never under me. In view of the air raid conditions he evacuated his laboratory.

Q Do you spell his name T-R-O-M-M-E-R?

A No. Professor Kramer of the Virchow Hospital. I thought you said Kramer.

Q Did you know Treite?

A I met Treite here in Nurnberg, personally. We were here at the interrogations together and Treite said that he telephoned with me come from Ravensbruck because of a patient. I did not remember that myself but it is no doubt true. And he was the head doctor at the clinic in Berlin.

Q Did you know in 1942 that Schidlausky was a doctor at Ravensbruck?

A When I first talked about the experiments I saw Schidlausky there and during the experiments, no doubt I saw him several times.

Q Did you know a Doctor Villmann?

A No.

Q V-I-L-L-M-A-N?

A Yes, I've heard the name but I don't know him.

Q What about Doctor Koller?

A I had a Dr. Koller as a dentist at Hohenlychen.

Q Was he there in 1942, 43?

A I can't tell you. I don't believe so. Our dental station was set up rather late but I don't remember the date. It is possible, but I don't know.

Q Now, in your meeting in July 1942 where you discussed the experimental subjects with Grawitz, Nebe, Gluecks and Himmler, precisely what type of experimental subjects did you insist on?

A Sulfonamide experiments. Those were the only ones in question.

Q Yes. That type of experimental subjects did you insist on having? I understood you to state that you reached an agreement with Himmler, Gluecks--

A Condemned men. That is should be begun on German criminals, condemned men.

Q Condemned to death?

A Yes.

Q Did you make any distinction between political criminals and crimes of the ordinary sort such as murder?

A No. We negotiated--I have told you and I won't let you force me into saying anything, that I didn't worry about the juridical details, but I negotiated at that time with Nebe his administration not primarily with Mueller. Nebe had German criminals under him, no political criminals. He was the top man to decide that under Himmler.

Q Well, then there were persons who had been convicted for such crimes as murder rather than for such crimes as treason?

A. I don't follow you. I was not interested in why the individual was condemned. I didn't say anything about that. I just said they should be condemned persons. I never asked why he was condemned or whether it was the right authority, but my chief authority at the time was Nebe under Himmler.

Q. Well, I'm just asking you to try to give us a little more information about what type of criminals Nebe had under him. The word "criminal" is something which has to be defined a little bit. For example, we know that Jews were condemned to death as criminals for having committed sexual intercourse with an Aryan. Now, do you know whether Nebe had any of these criminals under his jurisdiction?

A. In the first place, I am not convinced that your statement is true - that a person was condemned to death for Rassenschande. I heard that here for the first time. They were put in concentration camps for that. In principle, the legal question was up to the legal experts and I was of the childish impression that if they took the responsibility it would be all right. Personally, we never knew who and what the individual was.

Q. Now, you stated to your defense counsel that it would have been impossible to have used wounded soldiers to test the effectiveness of sulfonamides. At least that is what I understood.

A. Yes.

Q. Did you mean to state merely that it would have been impossible to have used soldiers and to have reached a result in the short period of time, or do you mean to say that it was impossible, in any event, to have used wounded soldiers?

A. We are at the technical question of wounds in war time at the front and under various conditions, and the question of whether I wanted the basic research from the chemical aspect or whether I wanted a temporary clinical decision. I explained that as clearly as possible. If you want me to I shall repeat the same thing.

Q. I certainly don't want you to repeat the same thing because I didn't understand precisely what you were getting at at the time. This is the reason why I put the question again to you. I am asking if you are stating, as your medical opinion, that it would have been impossible to have determined the

effectiveness of sulfonamides - to have solved the problem which you undertook to solve, by using wounded soldiers? I should think you would be able to give "yes" or "no" answer to that question with perhaps a rather short explanation.

A. I can answer it with "no" if I say that what was demanded of us had to be carried out.

Q. And what was demanded of you was a speedy and rapid decision. Isn't that right?

A. Above all, a decision of war wounds or at least conditions corresponding to war wounds, and that quickly. The two belonged together.

Q. And if you eliminate the angle of haste, are you willing to tell this Tribunal, as a medical expert, that it would have been impossible for you to have solved this problem by testing sulfonamide on wounded soldiers?

A. I told you yesterday in great detail that clarification by means of inquiry is possible; that the German army, like any other, attempted it; that until the end of the war there was no clarification in this way in the German army just as in the case of others. There is no such absolute question in the clinical aspect. It is very simple to solve theoretically by setting up special units and special hospitals and sending them to the front and keeping the patients all the way through, but not practical. That was possible on a quiet front, but in the collapsing front, as it existed at that time, this was not possible.

Q. You yourself were convinced that sulfonamides were not effective in treating deep seated wound infections. Is that right?

A. You have asked me that before. I shall repeat. I personally said: "I will manage in Hohenlychen without sulfonamides with my special staff." I managed it in that way, but I know that there were many others who did not have the facilities and, about 1942, at the time of this discussion, very important people represented a very positive point of view - I am not thinking of Krueger but, for example, Brunner and men of that quality.

Q. I understood you to state that you felt that the results reported on, with respect to the use of sulfonamides in treating lung shot wounds, were not reliable in reaching a judgment about the use of sulfonamides on wounds to the limbs or joints because the lung wound patients were kept immobile. Is that right?

A. I don't think the translation can be right. It does not make any sense.

Q. That may be the translation or, again, that may be the layman's point of view that you so severely criticized yesterday.

A. May I repeat what I heard. I understood the question to be whether I thought that lung wounds could not be successfully treated with sulfonamides because they had to be kept immobilized.

Q. No. As I understand the situation, certain doctors had reported that they had quite successfully treated lung shot wounds with sulfonamides.

A. Me?

Q. No, not you. Others.

A. It was read yesterday by Dr. Seidl that Dr. Krueger had success with lung wounds, as a report to the second meeting following a discussion of the treatment of lung wounds by Krueger and the discussion following the speech, and, right under that, he read that Mr. Schulze objected to those successes - denied those successes. That is how I remember it.

Q. And didn't you feel that it was not proper to take the successful experiences reported in lung shot wounds and conclude that, therefore, sulfonamides were effective in treating wounds to the limbs or joints?

A. No, certainly not.

Q. Certainly not what? You said that that was improper....

A. (Interrupting) I mean that the fact that Krueger was successful in the lung wound that that does not mean that the same success will be obtained in wounds to joints. Is that the question?

Q. That's right. That is what I understood you to state, and I am now asking you why you reached that conclusion, and if I remember it correctly, you said that it was because that the patient with the lung shot wounds was kept immobile - he wasn't moved, whereas a person who had been shot in the leg or had a bone injury was transported.

A. Nobody said that yesterday. There was no discussion about that. The reason why I opposed Dr. Krueger... I can tell you that exactly. Generally, there were a couple or two consulting surgeons who belonged together, and Dr. Krueger was the one who reported the greatest success. His partner was Professor Schmidt from Bremen who was always mentioned negatively in the same discussion and Mr. Schmidt told me personally after I had happened to be with him, how

Kruger came to his big figures. He always told about 3000, about 100, and such enormous figures. He did not see them personally, of course. He had reports from others by telephone, etc., and that is why I had misgivings from the very beginning to the position of Krueger. At the next meeting, he was talking about abdominal wounds or some such things. That is absolutely decided. It is not a question of the case history. The question is whether the material on which the surgeon based his decision is reliable and that is what I doubted. But it was certainly never said that the lung wounds would be successful and the others not. There must be some translation mistake.

Q. What agreement did you reach with Nebe on the question of what would be done with the survivors of these experiments? Were they to be released? Were they to have their death sentences changed to a life sentence? Precisely what was the agreement on that point?

A. I told you exactly that the important thing was the chance of survival and that I told Himmler that that had to be kept in order, and the point is so that the individual in the course of time is loyal to the conditions. I believe there were two or three who were given pardons or sent to German labor offices. The condition was that the Pole, of course, had to sign - had to agree to work with the Germans. The others remained alive but remained in the concentration camp and Himmler did not let them go. I didn't interfere with all these legal matters either before hand or afterwards, but I was assured that they would remain alive.

Q. Well, then you did not reach any definite agreement about precisely what was to be done with the survivors? All you knew was that they were to remain alive - whether still in the concentration camp or whether they would be completely released. Is that right?

A. I told you that explicitly and I will repeat the whole thing. You assume that everything was done in an orderly way - a peacetime way as it might be necessary for your support. That, unfortunately, is not how it was. During this time, Himmler hoped and thought that he would be able to maintain the Eastern area and resettle it compulsorily. There were certain groups of Germans and other nationalities he wanted to settle there. That was his plan and his conviction even at a time when it had become absurd.

Q. And as it actually happened you say they would release the Polish women only if they signed an agreement to work with the Germans?

A. Now you want to turn it around again that he made definite conditions on the other side. That was not possible. That was not my duty. At the moment of the experiment they remained alive and the whole thing was under the pressure of these enormous events. It was not so that from the very beginning of 1942 we knew that we would lose. It was not so that from the beginning we had only Poles who were not ready for a compromise solution.

Q Witness, will you kindly pay attention to the questions that I ask you, and try to give a short and concise answer. And please don't shout at me, or the Tribunal, because I have already conceded your supremacy in that matter, or of the volume of your voice. You stated a few minutes ago very clearly, that after the experiments were over these Polish women were not released unless they signed an agreement to work with Germans, is that right?

A I know that one was certainly given assistance, as we have heard from the witness Mrs. Ueberhauser, and I personally have thought out in a word, or two or three, how these questions were worked out with the Polish women in detail, and to what extent they were worked out, one did not know, and I did not know; I did not take part in it in any way. I beg your pardon for the shouting at you, as it was not my intention. I know that only from your own condition that when you reach, as here, a high point your voice becomes louder.

Q Witness, did you reach any agreement with Nobe about whether these experimental subjects were to consent to the experiment, or, whether, as Rostock got the impression in 1943, that the experiment was substituted for a death sentence, irrespective of the consent?

A I can only assure you, and if you ask me ten times, it was not my intention whether you considered that a negligence on my part, or not, I don't care; I would be lying if I told you anything else. I was very glad that Himmler took this legal side, as to the status of the doctors, and as I was told some one at the top took charge of this matter. I had no reason at that time to doubt the German State authorities in any way, or to distrust Himmler. How it worked out in detail was not a point of discussion in any way for me.

Q Then you don't know whether the persons experimented on in which was the sulfonamide experiment had been asked to give their consent?

A I have said, I don't know, and I don't know exactly, and with all assurances I was given that that was more or less voluntary, and I was not interested in that. I left that up to the legal authorities. Neither Fischer nor I heard a thing on this experimental subject or discussed it with them.

Q And I don't suppose that you know who under German law could validly agree to a pardon, or a release of a person sentenced to death on condition that he undergo an experiment?

A I repeat, I assume that under the German law if any one gives his approval he submits.

Q I don't think you understand the question - -

THE PRESIDENT: No, no.

MR. MC HANEY:

Q I don't think you understand the question. I asked if you knew of a person in the German State who could validly or legally agree to a pardon or to release a person sentenced to death on condition that the person undergo a medical experiment?

A Of course, Himmler.

Q Himmler could agree to that validly under the German Law?

A Now first you ask me to be a medical expert, and you want me to be a legal expert. I can only say I have no doubt that at the time in concentration camps Himmler had absolute power, and that in my opinion he had an authority from Hitler, but certainly not from any legal authority. That was my opinion at the time, and it still is.

Q How many of these Polish women were made available for medical experimentation in Ravensbruck?

A I have already told you that we had fifteen men, sixty women, and six or seven others, and that on the other hand from the beginning I had counted on a large scale experiment. I simply remember the number two-hundred and five, that I can not say for certain, that is right; in any case, it was not that we did not need all the figures which we had mentioned, and it is not to my knowledge; it is more or less the figure which the Poles know.

Q In other words, you do remember that Nobe made available something like two-hundred and five Polish women?

A. No. Now you want to have it another way around. I told you that was at the start on a certain large scale experiment, and so it had to be settled beforehand, and so far as I know there were Polish women. I heard this number here, though they were condemned, they had been examined, and I certainly remember that there were about two-hundred, say, to be for the experiments. You heard from witnesses that the other comrades were shot, but the others I don't know.

Q. This just exactly what I asked you. Were there originally something like around two-hundred Polish women? We are agreed on that, isn't we?

A. We do not agree that I said that. You have had from the beginning exactly two-hundred women; on the other hand, in the course of time under the pressure of Grawitz that number increased and five came to be that at a time. I never discussed the figure.

Q. And all of these women came to Ravensbrück in this transport from Poland in September 1941. Do you know whether that is so or not?

A. I don't know. I heard here for the first time about all of the transports, and where the women came from. I did not take any interest in that, and I was very glad that I did not have to worry about this matter, and to inquire about it. It was a transport from Lublin of seven-hundred, I heard that figure here from the file, or from the records of the trial, or from the testimony of the witnesses, or by some one these figures were mentioned.

Q. As a matter of fact, you only experimented on sixty Polish women in the sulfanilamide experiment, is that right?

A. Yes.

Q. Who selected the sixty women out of the two-hundred that were available?

A. I told you how that was, quite explicitly, that in a preliminary discussion between Grawitz and myself we decided that we were to start on a large scale experiment, and in the execution, nothing else, and Fischer called up, and in my behalf, of course, and said we are coming, we will

gin with five or six. From the testimony of the witnesses I read that either they were there called up according to a list, or that they were picked by personnel. It said here that the secretary of the camp, and that they were called together, but we had nothing to do with the selection, and certainly Fischer never interfered in it, and never told me anything about it, and I myself did not make any selection.

Q But you do concede that somebody exercised a selective process in judgment in Ravensbruck, because you had sixty out of some two-hundred, is that right?

A No. Not what you just said, I did not appoint nor make the selection of that camp. I think that the records of the these groups were in Berlin, that is something I learned, and this here, that the RSHA, the Reich Security Office, had an agency in the camp, and that they examined these things, and said what death sentence which had been pronounced, say, of one-hundred of these and so camps are concerned, and they select them, and use these. I never went into this process, I never worried about it. I don't know, I was sure that this examination would take place, and that the selection would not be arbitrary.

Q And you say you had no contact with Mrugowsky in obtaining the culture -- the bacteriological culture used in producing the infections?

A I beg your pardon, I can not remember that Mrugowsky had anything to do with it.

Q Well, by the way, Fischer said in his affidavit, in document book 10, document HQ-228, exhibit 206, page one, of document book, page three of the affidavit, Fischer said that since no inflammation resulted from the bacteriological culture used in the first two series of operations, it was determined, as a result of correspondence of Dr. Mrugowsky with the Chief of the Hygiene Institute of Warburg-SS, and conversation with his assistants, on the change of type of bacteriological culture used in subsequent operations, do you know whether or not Fischer is correct when he makes that statement in his affidavit?

A I told you my point of view. Tactically, I refrain from discussing Fischer's testimony, because I am not of the opinion that was anything against him. Fischer would testify to what he remembers. I personally am of the opinion that Krugowsky was not there, from the whole construction of things, either of the finding by bacteriological clinician, whether by letter or not, I would admit about Mrs. Krugowsky, but I don't remember him. On the other, am certain that delivery came from the office. Whether there was correspondence, I don't know. I know that a man always came and brought. Fischer knows that the letter was signed by Krugowsky. Please ask Fischer about it.

Q You spoke of the post-operative name given these women?

A Yes.

Q What provision did you make for those women who were ill for months and years after the experiment, for example Kusnierscuk?

A First I deny that they were sick for years. That is not true. Kusnierscuk was really the worst case of all, and she admitted that she was sick until about July or August. She had an abscess, if I remember correctly. One of them had an abscess. I don't have the records here. I can't say exactly. In any case, it is not so that a large number of women were sick for years. In the second place, in the long run in the cases of acute danger the women were given therapeutic safeguards, as I have described, and then they were turned over to the camp physician. They went back to the blocks and continued to be treated. Most of them healed very quickly. I described the therapeutic results to you yesterday, that is operations, quiet and other therapeutic methods.

Q And if anyone was ill beyond May 1943 or August 1943, just to avoid any argument on the dates, you left them in the care of the camp doctors, isn't that right?

A Yes. After that they might have called me in if there had been anything, but we didn't hear anything more about it.

Q And you spoke of cosmetic clearance of the wounds on these women, did you make any provision to improve the appearance of these women's legs?

A May I answer you frankly ---

Q That is certainly what I expect.

A After the healing one cannot improve the area of the wound before two years have passed. Generally we wait three years. That is a mistake on your part. You think that one can perform an operation immediately, and you see from the two examples which were very impressive here, I don't remember the names, that it was in 1945, two and a half years later, in Warsaw, that an attempt was made with good success in one case and with an inflammation of the foot in the other case. The con-

dition is not as bad as the patient herself says, but there was a difference. It is not so that the one operation can follow the other immediately. To wait over two years, as you can read from my report which I made at the Third Meeting, where I say we have no scheme one should wait for years. I don't mean the Polish women in particular. I was speaking generally.

Q Doctor, I am not aware of having suggested to you that you could improve the cosmetic appearance of these women on the day following the operation; my question was had you made any provision in regard to these matters, and I don't believe you answered the question.

A I don't know what you mean by provisions. If you mean that in combatting the infection we were to consider the extent of the cosmetic damage, if I am to understand the question in that way, then of course not.

Q Let's make it very easy for you. Did you have any intention of further operations on these women at a later date to improve their appearance, or otherwise improve their condition.

A That is not possible in operating. Where gangrene appears one must go after it with the knife to save the joint, no matter what sacrifice is necessary in the appearance picture. I don't know what muscles I will need for this purpose or the like. The combatting of the infection and the future appearance cannot be united clinically. Those two things do not belong together. You want to prove that I was negligent, that I combatted the infection, but I did not care about how it looked afterwards, then I say, yes, that is not negligence.

Q I haven't said a word about negligence. I haven't meant to infer anything about negligence, but the fact is after you operated on Kusnierskuk and saved her life, as you put it, you knew that she was disfigured?

A Yes.

Q I am asking you if you had any intention of trying to improve her appearance, did you have any plan or did you take any steps to do that?

A: Certainly not. It would have been wrong to give massage or baths afterwards, or anything else. That had to settle down and heal. The earliest would have been 1945, and then, of course, I did not. I was not in a position to worry about the Kusnierscuk case anymore than German wounds were given treatment at that time.

Q: You completed the sulphanilamide experiments in December 1942?

A: Yes.

Q: And had written a report on these experiments?

A: Yes, on the sulphanilamide experiments. There was great interest in them. I talked to Stumpfegger once briefly about them, and talked to Grawitz, and there were reports, and then there was a final report in December or the beginning of January.

Q: To whom did you send the final report, was it only to Grawitz, or did you send a copy to anyone else?

A: I cannot tell you whether a report was sent to Himmler himself. I should think that it was discussed with Himmler during his Christmas visit, and that Grawitz put it through official channels. I can't tell you exactly. Grawitz certainly got it.

Q: Do you know whether you sent one to Genzken?

A: Certainly not. Genzken had nothing to do with it. Genzken had no part whatever in the experiments, and I certainly never sent any report at all to Genzken during the whole war. I wrote to him or called him up when I needed something.

Q: You didn't send a report to anybody outside of the SS?

A: Outside the SS, no certainly not. It could only have been Grawitz or Himmler, or Grawitz alone or Himmler read it when he visited us.

Q: Didn't you have occasion to make an oral report on these experiments to Brandt or Goestock in 1942?

A: I have already told you that it was not 1942. That last year I said that I think that once I talked to the two gentlemen, not on the experiments but about the publication. That in my first testimony, I beli-

Q I said that I came from the Fuehrer Headquarters and that Brandt got out of the train at the same time. I have a vague recollection of having told the two in the railroad station, "I would like you to know this is going to be published," and something about experiments on human beings, and after I was arrested I met Brandt in Dachau, and he said no, that he had not talked to me about it, and Rostock told me, no the preparations hadn't been in his hands at all. Then I must have discussed it with Schreiber. I must say honestly last year I remember it like that, and now I can't say exactly. I said what I remembered.

Q That was Rostock at that time?

A Rostock and Brandt.

Q Let's go over that a little bit. I have your interrogation here of 5th November, 1946, and you stated there that "I am sure I once told Brandt, without any order, that this anonymity of the whole matter is rather nonsensical. Now, he claims he cannot remember thought, and once I told Rostock, 'do you realize what we are reporting?' I do not know what Grawitz wrote to you. I am telling you Hammler ordered this, and that concerned the question of sulphanilamide that is being done. These experiments are to be performed, but I give the scientific advice only because German science can make use of it." Then you were asked the question: "Was it at that time clear to Rostock or Brandt that experimentations on human prisoners were concerned?" You answered, "Evidently."

A That is what I told you, I said that last year in the matter of the publication at the meeting I was of the opinion I discussed it with the chairman at the meeting, Rostock, in about those words. I don't know what difficulties are being made by Grawitz. Rostock said he was not in charge of the preparations at all, and Schreiber said that he learned this through official channels. I can only say I reported as I remember it. The question was the matter of publication, and now the two men deny it, and I can't say for sure.

Q As you remember you stated it in this interrogation that your talk with Brandt and Rostock took place in December, 1942, didn't it?

A. I said December 1942? That is nonsense. The new meeting was not being discussed yet at that time. I spoke of anonymity and the failure to publish it. I don't think that the May meeting was discussed so far ahead. I believe that I said, as I remember, between the two meetings when the next meeting was being prepared. If I actually said December that is too early. December it was finished, yes, but I do not believe that the preparations for this May meeting were made as early as December. If I said that I have to correct myself. The reason was that Gra- witz was trying to get around the agreement. The question was finally around the title. I believe the testimony says something about preparation for the meeting, but I don't know.

Q. Now, did you have any correspondence with the person who was handling this meeting in May of 1943 about this report, whether Schreiber or Rostock, did you correspond?

A. No, I can tell you what the official channels were, please make a distinction between the official things and what I do in addition by speaking personally. The subject of the third meeting was set up by the person preparing it and I learn now that that was Schreiber. One of the questions of the daily program was sulfonamide. Then these questions were sent to all branches of the Wehrmacht including the SS, that is Grawitz and Grawitz inquired of all his people, the surgeons and the hygienists. Apparently he talked to many because sulfonamide and all other things on the subject could be reported on. Then I reported my four other subjects and of course I also reported the sulfonamide question. Then this went back through the same channels to Schreiber. I went to Grawitz to ask what subject I was to speak on as I had to prepare for it and I was interested because there was the subject in the sulfonamide questions. I know for certain that I also - not in writing - spoke personally with the person preparing the meeting and to state it briefly I said: "Do you realize I am coming, I am going to speak openly?" I thought this man was Rostock but I have been corrected and I am told it was Schreiber and he says he only took it over at the meeting. This is possible and can be confirmed by Schreiber. On the other hand, it has been discussed back and forth so much I can only say right here that I testified to the best of my knowledge.

Q. You also said you talked to Brandt on this matter; Karl Brandt?

A. The very first statement says possibly that I came on the train and met the two men at the station; I don't think so?

Q. You were together on that occasion; if you remember it?

A. I think I arrived with the train with Brandt and Rostock or I met him or something like that. That is how I remember it and that was I believe what I said in 1945. Now, of course, I don't know what questions were asked in 1945, but that is how I remember it now.

Q. Now, didn't Brandt and Rostock also orally invite you to lecture at the meeting in May of 1943 on sulfonamide?

A. No, the request for my participation in the meeting came through office

channels, through the Wehrmacht Medical Inspectorates, that came through Grawitz and he got it through the central office of the Wehrmacht. Brandt had nothing to do with it and Rostock did not attend, he did not prepare for the meeting. I don't know.

Q. In your interrogation of 17 October 1946, you were asked in connection with the sulfonamide experiments: "Q: At this meeting you reported on the success or failure of your experiments? A: Yes, an assignment was given for the meeting. I was scheduled for it officially and that came through Grawitz. Orally I was informed by Brandt and Rostock."

A. No, in the first place I never signed these things, and that is nonsense. That is always the same thing. I talked to Rostock and Brandt about it, they did not inform me, I informed them. I certainly did not say that.

Q. Now, without wishing to get into a long discussion on the results of these experiments, these sulfonamide experiments, am I correct in stating that you reached the conclusion that sulfonamides were not effective in treating wound infections; can you formulate very concisely and briefly the conclusion that you reached as a result of these experiments?

A. Exactly the first six lines of the directives; that is the summary.

Q. This is from the report of the meeting in May, 1943, Karl Brandt Exhibit 10 on page 22 of the Karl Brandt Document Book 1, reading from page 30:

"Experiments (Gebhardt-Fischer) showed the following results:

Even the immediate internal and external application of sulfonamide preparations cannot prevent a suppuration of the soft parts due to ordinary suppurative organisms. It could not be proved that the course of the inflammatory diseases caused by anaerobions is influenced by sulfonamides. The sulfonamides seem to have an easing effect on the course of combined gangrene therapy."

Now Doctor, can you state the conclusions reached in your experiments were adopted at this meeting in May of 1943 in face of the fact that the rules governing the application of sulfonamide as contained in these directives seem to state that you should continue to use sulfonamide?

A. I am convinced that the translation was not right, it was:

"Are you in a position to state that your directives were applied although..."
and that was all.

Q. I will restate it; in face of your conclusion that sulfonamides were not effective for certain types of wounds, I am curious to know whether that conclusion was actually accepted and adopted in the directives issued at this meeting, in view of the fact that the directives later on seemed to say you are to continue to use sulfonamide?

A. This contrast between our results and all the directives of the clinicals does not exist in that form. We testified that the sulfonamides were a preventive drug that came from the beginning, that they would prevent infection was shown to be not true. That does not mean, however, that one cannot in the course of treatment use sulfonamide. The Clinical Doctor Frey, who also spoke and who had no connection with our preparation, came to about the same conclusion, although he recommends sulfonamide and later more strongly than we did. The directives show the results which we had, the results of Clinical Doctor Frey, a pathologist and someone else were published next to each other as the present state of thought as represented, but of course it is not so that there was a definite connection. One must act on this in this way, the evidence was given which had been reported at that meeting.

Q. Well, but after you gave your evidence didn't they continue to use sulfonamide in the same manner that they had before you made your report?

A. No, I don't think so. Certainly not in the Waffen SS. Before hand it had been flown in and some parts of our divisions thought that sulfonamide should be put in directly and they even thought that one could give the troops a bag of sulfonamide that the whole thing was stopped, that those who are a little more sceptical toward sulfonamide had no weight. Our contribution helped to achieve this. In my old field this became the basic attitude as far as I was able to make it prevail.

Q. Well, doctor, I am quite sure that you convinced yourself that you were right in the conclusions that you reached that sulfonamide wouldn't prevent infection in wounds, but I am asking you how successful you were in convincing other people, the other branches of the army, and I point to the directives here on page 31 of the document book, and it says that all surface wounds should be sprinkled as soon as possible with sulfonamide powder, and it goes on to say here to be sure and get the powder to the depths of the wounds. Is that not the contrary of the conclusion you reached in your experiments or not?

A. I don't have the document before me. I have only my own document book. May I ask what you are quoting now? Is that the work of Professor Frey that was dealt with on the same day? Was it at the same meeting, if I may ask?

Q. Witness, I am reading from your document book. Do you have that in front of you?

A. Yes, yes, yes.

Q. Page 31.

A. Yes, that is Frey.

Q. Well, now, wait. Let's try to get that point straight first. On page 30 you find the heading "Directives for the Application of Sulfonamides", and under there are summarized the conclusions reached by Gebhardt and Fischer, by Ranerath, by Mueller, by Frey, and then I find the heading "The Following Rules for Practice Therefore Result", and maybe I interpreted the directives wrong, but I thought that was a directive which was based upon all the reports and not a directive by Mr. Frey.

A. No, but I explained that yesterday. That is the difference between this and all other reports. Otherwise some kind of agreement is reached. If, for example, you look for the treatment directives at the same meeting, they have my wording from "A" to "Z" because my suggestion was accepted. In the case of sulfonamides there was some agreement reached in a point of view, but our attitude did not prevail, nor did Frey, who

had not known anything about our experiments before, join us in our opinion. You see that the results of all four are listed separately with the names.

Q. That's correct. Well, then, under those four summaries the meeting says that "The Following Rules for Practice Therefore Result". Now aren't those rules being stated by the meeting as a whole and not by Mr. Frey?

A. I still haven't found it.

Q. Page 31.

A. That was Frey. You are mistaken. That starts on page 30: "The clinical discourse (Frey) emphasized the decrease", and so forth, and then if you read the whole thing then Frey at the end of his speech made a summary for practice, which is exactly the wording which comes here. That is the clinical part of Frey summed up, and in the beginning is Gebhardt also summed up. I don't find Randerath. That was Frey's text. It says in the beginning "Frey" ten lines before.

Q. Witness, I am not going to engage in any argument with you, but I am going to pass the original up to you, and, in my opinion, the original shows very clearly that "The Following Rules for Practice Therefore Result" are rules being issued by this meeting and not by Frey and don't represent a mere personal expression of opinion by Frey. And if I am correct in that, that it told you that this committee didn't adopt the conclusion reached on your experiments at all because the instructions and rules say you are to continue to use sulfonamide powders on wounds. Now it is on the lefthand page. It was handed to you at just the right place there.

A. Would you permit me to look at Frey's report first?

MR. MC HANEY: Does the Tribunal have before it the Karl Gebhardt document book?

A. It is certainly the text of Frey, but I will be glad to discuss it with you. You are misinterpreting my statements. "The powder treatment is of no use if the depths of the wound are not reached." But it

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shows ---

Q. Just a minute, witness, let's determine one point at a time. I am asking you if the "Rules for Practice in the Use of Sulfonamides" appearing in this report of May, 1943, aren't rules issued by the committee or meeting as a whole?

A. I told you I do not believe that they were discussed; that, on the other hand, I have admitted that I have no objection and that my report was put at the beginning of the reports as well as at the beginning of the directives. If they had been rejected or had been changed, they would not be listed at the beginning, or I would have been forced to change them. My test is the same in both places and then there come the summaries of the reports of the others and especially in great detail the clinical report. Ours was much shorter and not on such a broad basis. The contrast between these four reports is not as great as you assume.

Q. I am assuming nothing, but isn't it true that where the words read, "The Following Rules for Practice Therefore Result", are rules being issued by the committee and are not rules simply being stated by Frey in his report?

A. Certainly, but also all the proceedings from the word "directive" on.

Q. But don't you concede, Herr Professor, that these rules directing continued use of sulfonamide conflict with the conclusions reached by you in your experiments which you yourself have described as negative results?

A. You must be convinced that both would not have been published next to each other if they had been in strict contrast. Then it would have been nonsense to publish them. It is not possible to prescribe to a surgeon at the front on the basis of this meeting: In the future you may proceed only in the following way. On the other hand, in the beginning there is an explanation on the basis of the results which comes to a very extreme point of view, and that Frey has described his clinical experience without our detailed experience, and his conclusion is that powder should

continue to be used.

We do not object to using powder secondarily, only primarily, that the main consideration is that the powder should reach the wound. "It is ineffective to powder the small wounds caused by the penetration and exit of the bullet." The contrast is really not as great as it seems to you. The fact is that the meeting and the person who set up the book listed all the results as important, one next to the other.

Q. Didn't you get Stumpfegger his job as escort physician to Himmler?

A. I have already told you that I did not get him his job, that there were two of us in the Polish campaign. Stumpfegger was my assistant, and this gradually developed by itself. I saw that Himmler liked the younger man to come to him and he didn't mind if I went to the front. It was not so that I had to take him there. He was always there from the first day on. In the beginning there were two of us.

Q. Now you have assumed responsibility at least for the conduct of the sulfenilamide experiments. What about the bone experiments?

A. I tried to describe that to you yesterday, to what extent I feel responsible and how it came about. Stumpfegger came to us with the approval for the experiments. He even had the assignment that we were to take a considerable part in it. The clinic did not participate. Stumpfegger told me what he was doing. Stumpfegger worked there alone. I was dependent on Stumpfegger's report and on what he told me, but I did not check his work.

Q. Didn't you ask him to report to you?

A. I have already told you that there was a certain contrast there, that it was a big chance for him. I would take the responsibility just as I did in the case of Fischer if that had been the case. Stumpfegger wanted this chance but I wanted to know what was going on over there.

Q. Didn't you assign Fischer work with Stumpfegger?

A. No. I said Fischer was to work with Stumpfegger when we were still together if it was possible to help him. I don't know how far it

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had gotten in October. I was not there at the time.

Q Well, to the extent that Fischer worked with Stumpfegger, you assume responsibility for that, don't you?

A The fact is that Fischer did. Yes, sir, of course.

Q Was not Stumpfegger working on his habilitation thesis under you on these bone experiments?

A That presentation is not right. Stumpfegger had two men ahead of him. He was, no doubt, expected to qualify as a lecturer, and so far as one can discuss it beforehand, the assignment was that the problem which interested the town was to be discussed. That gave him all our material. He had two other men ahead of him. Then Stumpfegger worked on this, and says he did not report to me primarily, but to my former teacher.

THE PRESIDENT: The Tribunal will be recessed.

(recess)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: I would ask counsel if it is his intention to have these documents, NO-649 and so forth, marked for identification?

MR. MC HANEY: No, Your Honor, it is not.

CROSS EXAMINATION (Continued)

BY MR. MC HANEY:

Q. Witness, did you perform the operation on the patient Ladisc?

A. Yes.

Q. What did they do - what did Fischer do? I think it was he that removed the bone from this Polish woman at Ravensbruck. Precisely what operation did he perform on that Polish woman, do you know?

A. Yes, I do. Permit me to describe that briefly. I know that I said so and spoke at such length yesterday that not everything I said was interpreted. I should like in the case of this experiment to confess my responsibility completely and openly, as far as I have to take it, as I have done so before. In the case of this bone experiment it is true that the idea didn't originate from me and I should greatly have suppressed it had it been possible. It was not absolutely necessary for the clinic and as can be seen from all testimony Stumpfegger came from the outside to us with the matter. In all the world I cannot describe how responsible I am for Stumpfegger. I might incriminate myself further but I can try if you wish, if I would state he was directly under Himmler and had nothing to do with me, for he report to me and I advised him against it. At that time there was no mention of carrying out the experiment on a joint. Neither he nor anybody could expect much from it, I certainly did not expect much from it. Please believe me in this. He came to a surprising conclusion. It is a matter of course that any experiments on human beings were only a matter that concerned Stumpfegger and had nothing to do with any other office. If I said something that leads to a different conclusion, I beg your pardon. I only said the problem was different. He came to a definite result, wished to check on it, and was given ver-

mission to do so. My participation was that it was carried out for a patient in Hohenlychen, and that on the other hand I knew that a shoulder blade was removed. It was provided that there were to be two separate operations, Stumpfegger on one hand to take out a spatula, and I on the other hand to carry out experiments on persons endangered with cancer. Stumpfegger also made the preparations, and in the morning when we went to the operation Stumpfegger laid emphasis on the fact that he should be my immediate assistant because when he inserts the shoulder blade he would like to know the conditions from the very beginning.

It was for this reason, without any previous planning that Fischer, because he was the only one who knew about this, unfortunately was sent to Ravensbrueck, took part in the operation already planned by Stumpfegger, being supported in this by a doctor there -- I believe it was Schokowsky -- and then brought the shoulderblade to me. I operated on the sick person. The shoulderblade was brought back and was reinserted by Stumpfegger. Since it is an old rule in surgery that the oldest surgeon is responsible, I, of course, am responsible for that operation in Wohenlychen. I wanted to explain that yesterday; but because I was so tired I did not do so clearly. I wanted to say that previously, it is not my intention to evade this question.

Q. Now, did they take the scapula from the Polish woman in Ravensbrueck?

A. Yes.

Q. Will you tell the Tribunal which bone the scapula is?

A. The shoulderblade, as I have already described. I chose this as the least dangerous operation rather than some other joint because I had experience in the case of the same person with cancer. This is not to sound as if the shoulderblade was altogether unimportant; but it is possible that a person can do without his shoulderblade. It is for this reason that we chose the shoulderblade, sooner than if Stumpfegger would have removed a larger joint. The shoulderblade is the joint I am speaking of.

Q. Could they remove this scapula from the Polish woman without destroying the muscles in her back?

A. No, we didn't get so far. There is a crescent-like incision; the shoulderblade is removed; and then the muscles rise into that space so that the joint still remains movable. However, the raising of the arm above the horizontal is no longer possible when the shoulderblade is removed. This I observed on the patient in question.

Q. Do you know what happened to the Polish woman from whom this bone was removed?

A. I have already testified that Stumpfegger reported to me specifically that in all his experiments there was not even a case of infection and no

interruption in the convalescence. It was not that Fischer would have come over if Stumpfegger had not been in on the operation. I repeat, none of Stumpfegger's operations were controlled by me.

Q. The removal of this bone from the Polish woman and transplanting it in Ladisch, the patient at Hohenlychen, is described as a heteroplastic transplantation.

A. The word 'heteroplastic' came up once; but that is a false expression. 'Homoplastic' is the word. That means a transplantation from one person to another.

Q. And autoplasic transplantation?

A. An autoplasic transplantation, which is the heading under which all of Stumpfegger's work fell, is the transplantation within one person, from which you are not to conclude that specifically the shoulderblade comes into question.

Q. Now, the witness Madzka testified about the removal of whole extremities from certain of the women at Ravensbrueck. As I recall, she said they were insane persons. Do you know anything about that?

A. You are connecting it to testimony. You know that in the monstrous affidavit from Madzka these matters are to be found. "Insane persons were subjected to severe operations, transferring parts of limbs". She also says that she had heard from another patient who had seen it that from a Polish woman an arm was cut off for the sake of the shoulderblade. Then under examination she said that preparations were taken for this. That is at least the way I recall that testimony. At any rate I can tell you that except for the shoulderblade for which I admit my own responsibility I heard of nothing else in that direction nor do I think that Stumpfegger acted on his own in this direction.

Q. Moving along to the freezing experiments, did this report which you received from Fischer on the dry freezing experiments speak of keeping the inmates outdoors naked, in freezing weather, for extended periods of time?

A. I can tell you no more than what I said yesterday. There was a

memorandum for the front, a practical report that related to experiments there; and I admit it and state specifically that it was not so drastically stated in there. Otherwise I should have remembered it. But he did say that experiments were carried out on the prisoners there because I explained to him that unless he had front experience this was not necessary. But to the extent that you wish to see it, I do not believe it took place.

Q. After your talk with him in May 1943 didn't you take steps to assist him in further work on freezing experiments?

A. I told you yesterday what really took place; and you showed me the document that related to this. First of all I was sick; was operated on; and Rascher sent me his report. The report is very cautious, simply a practical presentation of what he was doing; and he considered an exhaustive scientific utilization necessary. And only for that would he need my help. I am unable, however, to tell you when I found out about these things. In addition, I answered this report briefly and certainly wrote the letter that you have here.

Q. Let's put this letter before you. I don't know that it's been offered in evidence, although you may have it available and have seen it before. This is Document NO-232 - you signed this letter, did you not, Witness?

A. Yes, of course.

Q. McHANEY: Document NO-232 is offered as Prosecution Exhibit 459 for identification. This is a letter dated Berlin, 11 June, 1943, from the defendant Gebhardt to the defendant Rudolf Brandt.

"Dear Comrade Brandt: I had the opportunity to get together with Comrade Rascher shortly before my illness. With a sound, critical approach toward his work, we very quickly came to an agreement in his enclosed letter. He himself emphasizes that the results are still incomplete as yet and need further corroboration. This, however, is only possible if the necessary apparatus for this type of work is available. Rascher has explained that in his letter. I beg you now to examine if the necessary steps are to be taken by you through the "Lohnarbeit" or by myself in order to have the needed apparatus

issued to Rascher. Only if these prerequisites exist can valuable scientific work be accomplished.

"As far as I am concerned, I can only tell you that I am well and that I'll have myself transferred to Hoheneychen one of these days.

"Heil Hitler, (signed) Karl Gebhardt."

Q. Now, Witness, doesn't this letter indicate that you were taking steps to further the work of Rascher?

A. No. May I also please read this letter aloud? "The Rascher experiments are concluded. They are winter experiments and they shall not be continued the next winter". The entire question of his experiments is stated specifically, that "the entire problem shall be reexamined after Himmler has spoken to Gebhardt. That is the definitive point in my attitude." On the other hand, if you will take a look at the letter, the fact that I say "Conrado Brandt" doesn't mean that I was particularly friendly with him. That was just the custom. A good critical approach means a very critical approach. In his enclosed letter he emphasizes that the results which he had presented to Himmler as conclusive are only incomplete and still need further work. Then there is mention here of apparatus that he needs and so forth.

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This of course was not true and I knew already that at that time. He came to me without my wanting him to which no one seems to want to believe. That I should specifically give him apparatus, that of course you don't believe, Herr Brandt, for this pertained to this Blumenreiter. Nothing happened after this letter, that he was not even able to have himself named as a hygienist.

Q. But witness, this letter concern Doctor Rascher being furnished apparatus in order that he can continue his work and you are inquiring of Brandt whether you should furnish him the apparatus or whether that would be handles through Ahnenerbe.

A. It says further apparatus to corroborate the previous experiment, viz. not for new ones; and I believe this was a lie, because what would he want to corroborate again in these experiments? That I never had to provide apparatus for anybody, that is perfectly clear. The essential point seems to be that no further experiments will take place any more if I am with Himmler. At that time I had not visited Himmler. He was with me in May, then there was the lecture, then I had to be operated on, and only then did I go to Himmler.

Q. Later on in 1943, or early in 1944, you tested Polygal with Rascher at Hohenlychen, didn't you?

A. No. That you assume from the letter, because it states there that he should come, but I cannot recall that at all. I was frequently absent and after that I did not see Rascher. None of my men reported this to me, but it is true that Polygal was examined in Hohenlychen. It states in the letter that the man should report to me or to the competent physician in charge, but there was no further communication with Rascher. Matters proceeded rather rapidly, and at the beginning of 1944 Rascher withdrew.

Q. Well, maybe you will explain to the Tribunal then how you knew that Rascher had carried out experiments with this Polygal by shooting inmates, and I refer you to your interrogation of 17 October 1946, in which you state you were asked the question in connection with Rascher's

Polygal experiments: "Where did these experiments take place? "Answer: "That I do not know. About the middle or end of 1942 Rascher came to see me in Hohenlychen. I remonstrated with him and asked him to tell Himmler that the application of this remedy involved the danger of bleeding to death. Rascher admitted that he had conducted experiments. I did not understand that because his point of view was wrong. I asked whether he had conducted experiments and learned that they had been carried out on persons who had been wounded by a shot in the course of the experiment."

A. In 1945, I stated, and in much greater detail, that Rascher came to me because of Polygal. Now when these later documents were submitted to me, I did not recall that. I knew that the decisive showdown with Himmler -- when that took place was about Rascher about Polygal -- but I immediately admitted when I saw this document, that Polygal was sent to me and saw that there was a false recommendation at the front, which is referred to here in a not quite correct translation. I went to Himmler and had an extensive discussion with him on the subject of Rascher; and if Rudolf Brandt was to know anything of this showdown between Himmler and me, it was because of Polygal and this matter. I was with Himmler, and since I do not have the documentation I cannot remember it precisely but it seems to me that Himmler, thinking that Polygal really protected persons against bleeding. For that reason it was tested by Rascher and it was for this reason I wanted to point out how senseless Himmler's attitude was. If you fatally wound someone and if he then bleeds to death you would not need a coagulant. In other words, I, without wanting to interfere, do recall that the decisive point was Polygal and not the memorandum and I kept the two strictly separate. In my opinion, Polygal did not play any role at that time, but only later, and I indicated this to Himmler. It is simply not possible that Rascher knew of it.

Q. Did Rascher tell you that he shot people to experiment with this blood coagulant?

A. I am just telling you. I believe it was not so because I described that I had had a row with Rascher because of Polygal, but on the strength of all the documents I see that this is not correct. Polygal came four months later. It was because of a memorandum that I had a row, together with the experiments which were presented. Immediately I saw it I admitted that I was getting things mixed up.

Q. We understand that Polygal was not mentioned when you met with Rascher in May 1943 at Hohenlychen.

A. Quite, yes.

Q. Now then, you have stated in your interrogation, and I understand that you now admit that you know that Rascher had experimented with this blood coagulant Polygal by shooting inmates and I am asking you from when did you get that information and when did you get it?

A. Since I hadn't seen Rascher after that, and since the first meeting was caused by something other than what I recollected, it can only be from Himmler that I heard it during the discussion about Polygal; and the reason I have just given is that I no longer remembered that the memorandum had been submitted; but it is quite definite that I was told that everything that I was telling was wrong, -- that the drug was effective since it had been checked with someone who was bleeding to death, -- and there that could only have been Himmler since I did not see Rascher for a second time.

Q. And do you remember when you met with Himmler?

A. In November. In other words it was in November that this letter from Brandt originated and that this conference took place so it must have been in November 1943 or previously. The letter I saw yesterday was dated the end of November, when Brandt writes to Rascher that Himmler is thinking differently about this whole affair, everything should be counter-checked, and discussion with Gebhardt had taken place, and that was the last week of November.

Q. And did you, at this meeting in November 1943 with Himmler, take up the whole question of medical experimentation on concentration camp in -

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mates?

A. I have already told you yesterday that at that time in connection with this experiment, and drawing attention to what I had been through, I, if I may say so, expressed my opinion to Himmler rather severely and clearly. It is not true that I could have said to Himmler "Now let's put our cards on the table. I want to go into everything that happened," but I am wondering if it is known or not. I went there quite worked up and I went into Himmler's office and said, "This is a classical example." I was convinced that Polygal had incredible value in the application which was recommended to him, and there I, as a surgeon, could prove to him that he was wrong in every respect and I gave him reasons. This example was sufficient for the showdown. Not that Himmler, who did not like my telling him things, would have proceeded to say, "All right, I'll tell you everything else, and you can judge it."

Q. What understanding was reached between you and Himmler at this meeting with respect to further medical experimentation on concentration camp inmates?

A. It is quite clear that you would put this to me. Between a commanding officer and his subordinate it is not the custom, and coming from Himmler even less, that Himmler now would have told me, "Now let's discuss this clearly and from now on things will be handled in the way we have agreed or we have discussed it." I emphasized and explained expressly yesterday that this is the opportunity when I got everything off my mind which I had to say in this connection. I proved to him by means of Rascher's example that it is wrong, when people approach him and when he makes an immediate decision without having previously inquired about the quality of such persons, and also that I requested him particularly that at least in my surgical sector he should hear me since the example of Polygal was sufficiently strong reason to point this out to him. That was the only occasion when it became obvious that we had a clash as far as I can recollect; but of course Himmler did not in my presence dictate the decree of the 15th of May and promise for the subse-

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quent three years to adhere strictly to my suggestions. After all you can see from the answer which is given by Brandt that once again another expert came in, this time Professor Seitz, a homeopath from Berlin. I had just warned him against the homeopath influence, and yet once again he is called in as an expert for Rascher as far as this letter of Brandt's is correct, of course.

Q. Now the decree of May 15, 1944--will you tell us what was in that decree?

A. May I ask you to put the decree before me. I don't know it. May I tell you personally where I had been in the meantime? At about Christmas Mr. Speer fell ill. At that time he was the most important man the Fuehrer had in this sphere, so it was only for the treatment of Speer by special order of the Fuehrer that I was detached from any other type of work. I lived with Speer. He nearly died on me twice. I accompanied Speer to Italy, and thus for the whole of that spring, right until after Easter, I was away, coming back just in time to prepare the meeting of 1944. During the entire period I did not deal with any matters relating to the SS. In fact, I just was not there. I can tell you what is written in that; but if you will put it before me, I shall be only too willing to discuss it with you with reference to what I still remember and what I begin to remember now; but independently of anything that you are putting before me, I still have a aim which, and I want to tie myself down to it as far as the things I am presenting now, I have presented. I told Hitler, "This is a classic example, this Polygal business. It has to stop, but every medical office is bringing ideas to you and that then immediately decisions can be made to the effect that an experiment should take place."

Like any other subordinate, I can not forbid the supreme commander and the Staff to make decisions, but I can ask that at least in my sphere, and, if he is intelligent, in every sphere, previous inquiries should be made by him about the people who appear before him.

Q. Well, let's put the decree before you, witness.

A. Yes, I see.

Q. This is Document NO-919, and the Prosecution asks that it be marked as Prosecution Exhibit 460 for identification. This is a letter from Heinrich Himmler, dated 15 May 1944, or, rather, a decree. It reads as follows:

"I hereby order that medical experiments to be carried out in concentration camps must have my personal approval. This order is to go into effect immediately.
"All offices within the SS and Police which deem necessary the carrying out of a medical experiment in a concentration camp will have to submit to the Reich Medical SS and Police an application stating the proper reasons. In this application information on the problem involved, the extent of the experiments to be carried out, the number of prisoners needed, as well as

presumable duration of the experiment will have to be clearly shown.

"The Reich Physician SS and Police will submit the applications to me along with the critical opinion of the Chief Surgeon concerning the technical aspects, the opinion of Group Commanders Nebel and Glucks.

"/signed/ Heinrich Himmler."

There is a note to the left that this is a true copy, with the signature Grawitz, and there is a further note on the original to the effect that copies were sent to Professor Dr. Hirt in Strassburg, SS Hauptsturmfuehrer Dr. Loebner, "for information and attention in future new experiments." Then there is the note, "23 May Si", which I presume to be the initials of Sievers.

Witness, is it not true that in all experiments on concentration camp inmates following the issuance of this decree, your opinion had to be obtained?

A. That my critical attitude as an expert was to be called for, Grawitz, yes. My opinion, that tallies precisely with what I have described. I had not collected it, and did not even know that it had been so clearly defined, as it is apparently in this letter. It shows quite clearly that Himmler realized that the immediate approach to him, without a collection of these matters being made through Grawitz would have to cease.

On the other hand, however, it shows that under him no experiments were going to be detailed to any one without this being done through the same official channels. For the first time, perhaps, it says that experiments could not simply be started which would eternally be extended, bringing up new questions, but that the applicant should right from the beginning state what his intentions were in every respect, and now it states here that Grawitz, in passing on applications, would have to obtain the critical expert opinion of the chief surgeon, Nebel, as well as Glucks.

Why I state right now that Glucks is the man in charge of location and that he is in charge of German criminals, and that political cases and foreigners are not considered any more; and now the expert opinion of mine is to be called for, which, of course, can never touch upon the subject of my giving opinions about sun water experiments, for instance, or something which Dr. Eppinger might suggest as

being correct. In fact, it had never been planned any differently, except that I did not credit Grawitz with the courage of turning down proposers as being non-experts. This attitude toward doctors and the supreme authority which was submitting it, that attitude was started here by me, and it is contained in this document.

Had you asked me at the time, had you given me the document in the reverse, then I would not have remembered sea water experiments nor would I have remembered the "N" stuff; but of course it is still correct to say that the two occurred in this manner, just as you can see that it was clear that after the distributor for sea water, after I said that it is quite clear what they are doing and let them report it, let them give their reasons, that in the carrying out of these experiments at the critical exploitation and on the distributor, I no longer appear.

Q. Can we assume, witness, that with respect to any experiment carried out after May 1944 where there had been an application for prisoners, after that date, then you had knowledge that that experiment was to be carried out?

A. It does not say so in any way in this decree. It says expressly that if new experiments are to arise, then this is to be done through official channels. It does not say that anything that had been approved should be retroactively examined. At any rate, the others were not submitted to me, and quite certainly, in spite of this order, perhaps for official reasons, I did not see the others. If you will put some more before me besides these two, I shall tell you whether I know them or not.

Q. Can't you tell us of any that were put before you?

A. No. As I have already told you, I would not have remembered the "N" stuff, the material dating November 1943, when I was at front.

Q. Do you regard it as criminal and unethical to experiment on a human being without having obtained the consent of that person?

A. I made every effort yesterday to define my attitude on that to you. The principles, isolated unique assumptions without consideration of the factors such as with whom the initiative is, who is responsible, and

under what conditions of the state, cannot be answered.

Q. Let us assume that you are responsible for the moment, witness, for the selection of the experimental subjects.

A. It is stated expressly that Nebe's attitude, the man of the experimental persons, and Gluck's, the man of the doctors, should be consulted. It is, therefore, quite abundantly clear that these matters are not interconnected.

Q. Witness, we have passed beyond the decree. I am trying to get a clear expression from you on this relatively simple question, and it has been put to you before in an interrogation, the one of 17 October 1946, and you were asked the question, "Are you of the opinion that if a person is convicted it is right to use him for experimental purposes without his consent?" and you answered, "No, on principle not." Do you re-affirm that answer now?

A. I most certainly did not put it in that form. These summaries, none of which were signed by me, are the results of endless discussions. I told accurately that never at any time, not even now, do I consider it right if in the event of an experiment started by a medical man which he started entirely because he is interested in science, a situation of force and coercion should arise with reference to the selection of people. On the other hand, I drew a clear-cut dividing line that this was not so, and even if you assume this to be the situation with me, that the initiative was ours.

Q. If I understood you correctly, you say that if it had been your responsibility as a scientific and medical man for carrying out these experiments yourself, if it had been your responsibility to select the subjects, you would have insisted that they consent to undergo the experiment. Is that right?

A No. I said that I personally did not have the desire, or could not imagine that I would order experiments and carry them out, where other than volunteers would be used; on the other hand, of course I can well imagine that an experiment with its risks is so absolutely harmless that with a certain amount of pressure I can recruit people, and those are two completely different conceptions, then if the State, through an official agency, and with reference to a decisive question, does not ask the medical man any more than to assume the responsibility for its carrying out. I described the way that I pictured it the responsibility could be taken from the State.

Q If the experiments which are the subject of the indictment here, were carried out on persons who did not volunteer, is it your opinion that the person who was responsible for the selection of the inmates committed a crime?

A If it was the State, and if there was an order from the State, therefore, if it was legalized, then, no I don't think so.

MR. MCANEY: I have no further questions.

THE PRESIDENT: Counsel, do you think that you can complete the re-examination of this witness in 15 minutes, or will you take longer?

DR. SEIDL (Counsel for the defendant Gebhardt): I believe that I can get through in 15 minutes.

REDIRECT EXAMINATION

BY DR. SEIDL:

Q Within the cross examination, the figure of experimental persons proposed was put at 205. Do you recollect that in the exhibit submitted by the prosecution, N. 328, there was, in fact, contained that figure, as testimony of a witness, a woman witness; and is it correct that it was Chief Reich Medical Officer Dr. Grawitz who carried out experiments under war conditions, on as many possible experimental persons and that it is your achievement that, in the case, there was a stop after 60 experimental subjects?

A That is perfectly correct, and I thought that had been the way in which I described it. I said that it was only by some devious means that I heard the figure, and we are claiming for ourselves that the minimum number, under

only the most acceptable conditions was carried out.

Q Then, furthermore, you were asked, whether you yourself had anything to do with the selection of the experimental subjects. I shall now submit, or rather read to you in extract, something from the Document Book No. 10 of the prosecution, on page 50 of the English text. It is Exhibit 226 of the Prosecution Document NO-873. It is the affidavit from the witness Sokusca, the woman witness. I quote: "On the 21st of September 1941, I arrived from Warsaw with 450 other prisoners at Ravensbrueck. I left the camp on the 23rd of April 1945. with the first transport of the Swedish Red Cross. On the 8th of May 1941 I had been arrested by the Gestapo as I had been an active member of the pre-resistance movement. During my stay at Ravensbrueck, experimental operations were carried out on me on two occasions. There were two further experimental operations which I avoided. On the 1st of August, 1942, Lina Bolla, secretary of Mandel, told me that I, together with nine other female prisoners, were to go to the Large Sick Bay. At this Sick Bay we were examined by Dr. Oberhauser. After this examination I was told that I was too thin, and I was sent back. The other nine girls were operated on." End of quotation.

Now, I want to ask you, who was the man Mandel who was mentioned here? Do you know?

A In my opinion, that was the Department or the Secretariat of the camp, but I'm not absolutely certain. At any rate, it's not a medical man.

Q Would this testimony not show quite clearly that the choice of experimental subjects was carried out directly through camp authorities? Isn't it apparent that this happened by instructions from the RSHA, which had a political department at Ravensbrueck as we know?

A That is quite clear, and I've already pointed to this testimony in the same sense that you have just indicated.

Q Well then, after that you were asked regarding the results of sulfonamide experiments. I beg the Tribunal to get hold of the Document Book of the defense, and look at page 12 of the Document Book. And there, I quote, reference: "Directives for the chemotherapy of wound infections."

"The treatment of war ~~wounds~~ with sulfonamide preparations in order to fight ~~war~~-infections seems to have prospects." These were the directives which in May 1942 had been published, before the beginning of your experiments; is that correct?

A Yes.

Q So I shall now quote paragraph 3, and I quote: "The prevention of gas gangrene through chemotherapeutics is not certain. A collection of further experiences in this field is especially desirable." End of quotation. Does this not show again that at that time the effectiveness of sulfonamides was positively judged? I now beg the Tribunal to turn to page 13, and I shall quote:

"Local treatment with the available sulfonamide powders together with an internal treatment with albucid, cibazol, cleulron, cubasimun, globucid (particularly for gas edema), marfanil-prontalbin, prontosil is suggested." End of quotation. Is that not an indication to the effect that during this congress, in the directives, judgement of a positive nature was expressed with reference to sulfonamide?

A That is a perfectly correct description. I was being rather reticent. Since Mr. McHaney deliberately forbade me getting involved in a medical discussion, but since his views in this point were erroneous, that (A) no success obtained through us, (B) the same method proposed once more. Previously, in the directives, there was an overestimate, now there was definite slowing down, which, in its scientific findings, was most strongly expressed through our results, so that there were considerable changes.

Q I beg the Tribunal now to turn to page 30 of the document book. Here we find directives for the treatment through sulfonamides, following the Fischer-Gebhardt lecture. Now I want to ask you, witness, at the head of these directives there was put the result of your experiments?

A Yes.

Q Would this not force you to conclude that, as the basis of these directives, the very result of your experiments was being used?

A I personally am of the opinion that this is so. I tried to point it out by saying that my directives have been fully included in the entire contents, at the beginning of all new measures for the year 1943 our ideas were used.

Q Then I beg the Tribunal to turn to page 32 of the document book, and I shall quote the last but one paragraph. I quote: "The thoroughness of the surgical wound treatment should in no way be lessened even by the additional application of sulfonamides." End of quotation. Now I want to ask you, does this final paragraph not indicate, quite clearly, the final conclusion that the decisive point in fighting wound infection was the surgical treatment? And that use of sulfonamides was only in addition?

A Yes. I emphasize that particularly by pointing out that there was possibility of misinterpretation in the statement of Frey. Frey only writes that sulfonamides ought to be used when they can be inserted into the depths which of course, means to every expert that the wound would have to be opened, which is exactly the same as is expressed here.

Q Now the shoulder blade, which had been inserted, transplanted to the patient by the name of Lardisby Dr. FISCHER, removed from a detainee Ruck-- wasn't it? Were we there concerned with a Polish woman; in other words, an experimental subject, who had been sentenced to death, and who was to have this chance of reprieve in the case of survival?

A In my opinion, most certainly. I've said that in every part of my testimony, namely that these aseptic people chosen by Stuppfaeger, belonged to the same group, and that there were similar conditions, and that there are two who were listed in this testimony.

Q The removal of the shoulder blade-- was that an operation which entailed danger to the life of the experimental person?

A No, in no way. I have always strictly differentiated, that these aseptic non-gangrenous wounds did not have the same risk which our infections did have.

Q The prosecution introduced as a new exhibit today, a letter which you wrote on the 11th of June 1943, to the defendant Rudolf Brandt, Exhibit 459,

Document NO-232. Is it correct that I had already given you a copy of that letter even before the beginning of the trial? And that, therefore, you were not in any way surprised by the contents of this letter?

A No, of course not. I draw attention to the fact that I had not read it before but that I had read it here.

Q Then the prosecution also referred to Himmler's Decree, 15 May 1944, of which we also know of course that it was going to be presented. Now, I want to ask you: After the 15th of May 1944, did you receive any further applications for experiments apart from the sea water experiment, and the examination of the end material?

A Not to my recollection; certainly not. But, in these hectic days, I couldn't even remember these two you were just talking about. It was only when I saw them here that I remembered them.

Q Did you support the Luftwaffe's application for sea water experiment.

A Yes.

Q Didn't you do that, last but not least, because, on the basis of the reasons given in the application you had the right to be convinced, that jeopardy, for the life or the health of the experimental persons was out of the question?

A Well, it states definitely in the letter from H. Schroeder, or from Grawitz, that there was no question of danger. On the other hand, the greatest German in turn is Eppinger himself, started to participate in this experiment.

DR. SEIDL: Mr. President, I have no further questions.

THE PRESIDENT: I have a question to the witness. I understand Witness, that as to these experimental subjects you were informed by what was to you competent authority, that they were of persons who had been sentenced to death. Did you ever make any investigation or ask any questions after that concerning these witnesses as to whether they had ever been tried or sentenced as to these subjects?

THE WITNESS: Mr. President, the person who communicated this fact to me was Himmler. At that time I had no doubt whatever that this was right, what the highest man was saying, and presently considering our relations, I didn't have any doubts either of the fact. I assumed that as far as I was concerned he would act particularly correctly and my inquiries were addressed to Himmler. I did not ever deal with any subordinate persons.

THE PRESIDENT: I understood that you said that you never made any inquiry or endeavor to ascertain to any extent the status of these experimental subjects, as to whether they had ever been tried for anything or whether they were simply held in a concentration camp for some other reason.

THE WITNESS: No, Mr. President, please don't misunderstand me. There had been a definite discussion between Himmler and myself with reference to these persons, and Himmler expressly stated, as the highest man on the basis of his documents, that this was the situation, and it was particularly at the end when everybody was interested during conferences with foreign countries, that it was as clear as it could possibly be, and I can refer to his words right here, and Himmler told me at the end, with your experiments you are correct.

THE PRESIDENT: Did it occur to you that it might be a little curious that there were sixty women in a concentration camp under sentence of death and the sentence had never been executed but they were just held in the camp?

THE WITNESS: Mr. President, there weren't sixty, there were surely hundreds of them, thousands of them who were together, all intelligence agents who were caught during acts in Poland and were arrested and went to Ravensbruck, and according to the documents used up to now there might be, just be at least seven hundred.

sixty of those were not shot because they partook in this experiment, assuming that Hirtler's information was true, which to doubt I had no reason at that time, even considering all the circumstances.

THE PRESIDENT: How many of those women did you say were held in the camp, six or seven hundred?

THE WITNESS: It had been definitely told here that a transport of seven hundred had arrived. Later on the Swedes collected two thousand Polish women who were still there. They must have been Polish women who had been sentenced to death, and there must be Polish women who came afterwards.

THE PRESIDENT: Were the rest of them executed?

THE WITNESS: I only know what I have heard here. Everyone of these other witnesses stated that her comrades have been shot. Mr. President, I deliberately did not interest myself in anything else. It seemed those were the people called, according to information given to us, because they had been sentenced to death who had been operated on and who remained alive. Mr. President, you will believe me, I have never bothered about or entered in the conditions in the concentration camps.

THE PRESIDENT: I understand.

Counsel will not be limited to further examination of this witness Monday morning. I didn't mean, when I inquired into the length of this examination, to limit him to that, so he may resume the examination of the witness when the Tribunal convenes Monday morning.

The Tribunal will now recess until fifteen minutes after eleven o'clock Monday morning.

(The Tribunal adjourned until 10 March 1947, at 1115 hours.)

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Official Transcript of the American Military Tribunal in the name of the United States of America, against Karl Brandt, and al, defendants, sitting at Nurnberg, Germany, on 10 March 1947, 1330, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, you ascertain that the defendants are all present in court.

THE MARSHAL: May it please your Honor, all defendants are present in court with the exception of the defendant Oberhauser, who is absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court save the Defendant Oberhauser, who is excused on account of illness, she being in the hospital.

Counsel may proceed.

Karl GEHARDT - Resumed.

DR. SEIDL (Counsel for the Defendant Gebhardt): Mr. President, I have no further questions to put to the witness.

THE PRESIDENT: Any further examination of this witness by defense counsel on account of the questions asked him, recently after cross examination?

B DR. WEISERUBER (Counsel for the Defendant Sievers):

Q. Professor, in the cross examination you stated that the Ahnenerbe was under the Freundeskreis, circle of friends, and financed by it. Do you know the organization of the Ahnenerbe?

A. No, I can say nothing more about it, but I assumed that that was the case as I understood it.

Q. Then that is a pure assumption on your part? You have no concrete



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evidence for it?

A. I can only say that I was once asked to join the Freundeskreis. That was at the beginning of the war, and I remember it was a combination of friends and Institutes were attached to it; and, as I said, I met Professor Ruest at some meeting. I have no more concrete knowledge.

DR. WEISGRUBER: I have no other questions.

THE PRESIDENT: Any further cross-examination of this witness on the part of the prosecution?

MR. HARDY: The prosecution has no further questions.

THE PRESIDENT: The Defendant Gebhardt will be excused from the stand as a witness and resume his place.

(The witness was excused.)

DR. SEIDL: (Counsel for the Defendant Gebhardt): Mr. President, three witnesses have been approached for the Defendant Gebhardt. One of these witnesses has meanwhile arrived. This is Dr. Karl Brunner. In order to shorten the proceedings, I shall dispense with examining this witness before the Tribunal, in agreement with the prosecution, I shall take the liberty of submitting an affidavit from this witness at a later period. The same is true of the other two witnesses, Professor Lothar Kreutz and Dr. Jaedicke. Here again I shall submit affidavits.

THE PRESIDENT: I understand from counsel for the Defendant Gebhardt this course is taken pursuant to an agreement with the prosecution, is that right?

DR. SEIDL: Yes.

MR. MCNAMEY: If the Tribunal please, the course suggested by Dr. Seidl would be highly satisfactory because the prosecution feels that in this way we will be able to shorten the proceedings substantially. Of course, we are not advised in great detail as to what these gentlemen will state in their affidavits, but I think the chances are very good that we will not find it necessary to cross-examine them or to bring them here. In an exceptional case that might be necessary. On the other hand, we could probably secure a cross-examination of some sort, so we are quite agreeable and pleased that

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Dr. Seidl is suggesting this course.

THE PRESIDENT: Counsel, where are the three witnesses you just named? Are they now in Nurnberg?

DR. SEIDL: One witness is in Nurnberg, that is Dr. Karl Brunner. The other two witnesses are in internment camps in the British Zone. It is doubtful whether they can be brought here at all in the near future.

THE PRESIDENT: Under the circumstances, the arrangement outlined by counsel for the Defendant Gebhardt has the approval of the Tribunal.

DR. SEIDL: In the question of my case for Defendant Dr. Karl Gebhardt I have only to submit the rest of the documents which are in my document book. The first one, which I submit, is on page 44 of the document book. It is from the Manual of Virus Research. This is an excerpt from a book published in 1944. I shall not read any of this into the record, but in my concluding speech I shall refer to it. This will be Gebhardt Exhibit No. 11. The next exhibit is on page 72.

THE PRESIDENT: Counsel, what page? The translation did not come through.

DR. SEIDL: The next document is on page 72. It is an affidavit of an attorney, Karl Weiss. The contents speak for themselves. I ask the court to take judicial notice of this affidavit. I have included it in this document book as an example, and I shall give some other affidavits of this type in the supplementary volume. Then I go to page 75 of the document book-- the affidavit from Karl Weiss on page 72 is submitted as Exhibit Gebhardt 12. -Then I go to page 75 of the document book, it is an affidavit of Gerhard Schiedlausky. This affidavit has already been submitted by the prosecution as Exhibit 22a.

THE PRESIDENT: Has this exhibit in its entirety been submitted on behalf of the Prosecution and admitted by the Tribunal?

DR. SEIDL: This exhibit was submitted by the Prosecution in connection with the sulfonamide experiments. It is in the English document book number ten, but the Prosecution did not read the entire affidavit into the record but only excerpts. In order to simplify the task of the Tribunal, I have put into the Gebhardt document book that part of the affidavit to which I shall refer in my concluding speech.

THE PRESIDENT: Does counsel desire to read this into the record?

DR. SEIDL: I should only like on page 76 to read one paragraph. It is an excerpt which the Prosecution did not read into the record yet.

THE PRESIDENT: Counsel may proceed.

DR. SEIDL: I shall begin on page 76 at line 12.

"In Ravensbrueck there were about twenty-five women who were executed by shooting there at my time. They were all Polish women, who were already prisoners and the verdict on whom in many cases was confirmed by the Governor General only after a long time. The company commander was in charge of executions by firing squad and they took place in the presence of the camp commander, SS-Obersturmbannfuhrer Max Koegel."

The purpose of this excerpt is only to show that the prisoners at Ravensbrueck, as far as they were Polish women, were members of the resistance movement, which the experimental subjects, who have testified here, admitted; and the experimental subjects, from whom affidavits were submitted, also admitted this.

Mr. President, now I come to some documents, which I need in order to comment on the status of the experimental subjects under International Law. The first document of this type is on page 77 of the document book. It is the German-Soviet Boundary and Friendship Treaty of the 28th of September, 1939. I submit this treaty as Gebhardt Exhibit 13.

THE PRESIDENT: Counsel, was not your last exhibit 13?

DR. SEIDL: The last exhibit number was 12. This new document is to be Exhibit Gebhardt 13.

THE PRESIDENT: What was the number of the Schiedlausky affidavit was already submitted by the Prosecution. It was Prosecution Exhibit 224.

THE PRESIDENT: I misunderstood Counsel. I thought Counsel desired to offer that again. Counsel is correct. You may proceed.

MR. MC HANEY: With respect to the document offered as Karl Gebhardt No. 13, the Prosecution should like to be advised as to the purpose of this offer. Off hand it appears to me to be immaterial to the issues here and consists of nothing more or less than a boundary and friendship treaty between the USSR and Germany, particularly concerning the Polish territory.

DR. SEIDL: I may make the following answer to that, Mr. President. The experimental subjects on whom the sulfonamide experiments were conducted were Polish women. In 1940 or '41 they were arrested because, as they themselves admitted, they were members of a resistance movement.

In the proceedings before the beginning of the trial, the opinion was repeatedly expressed that they were prisoners of war. It will be necessary to investigate under what legislation and under what jurisdiction these Polish women were in 1940 and 1941; and it will also be necessary to examine whether in 1940 and 1941 there was a Polish State under international law.

This border and friendship treaty between Germany and the Soviet Union is the basis for the examination of the question what the status of these Polish citizens was under international law at that time. In particular the question will have to be examined whether Poland as an independent state still existed or not, and what powers had the right to issue laws and regulations for this territory, and whether such laws and regulations were binding on the witnesses who have been examined here. This treaty is the basis for the further documents which I shall submit later.

The important thing is to examine whether the German Government, as Occupying Power, had the authority to issue laws and regulations which were binding on the members of this resistance movement, and also to examine the question whether these experimental subjects were prisoners of

war or what their status was under international law.

MR. MC PANEY: I think that the Prosecution must object that the document offered is immaterial. Certainly it sheds no light whatsoever upon the legal status of these women, Polish women, who were experimented upon in Ravensbrueck. The document can in no way tend to prove that Germany had the right to administer laws in a Polish State. It's simply a boundary agreement between Russia and Germany. It certainly does not intend to prove whether the occupation was in any way legal. As a matter of fact, the Polish Invasion has been held by the International Military Tribunal to have been an aggressive war and hence a crime against peace. I think we are getting a bit far afield in this offer. We think it is immaterial.

JUDGE SEBRING: Dr. Seidl, are you contending that as of the period in which, as you say, these women were condemned to death by some sort of a court, that there was at that time an occupation or a complete subjugation of Poland?

DR. SEIDL: I am of the opinion that the fate of Poland after the German-Polish War was a typical example of a so-called *de facto*. I am of the opinion that this is not merely an *occupatio bellica* but that through this war and, in particular, through the treaty mentioned here, the Polish State had ceased to exist, and that the entire legislative authority and the entire jurisdiction were transferred to the two states which occupied the territory of the former State of Poland.

JUDGE SEBRING: The International Military Tribunal didn't quite agree with that view, did they?

DR. SEIDL: Your Honor, the I T expressed itself on this question, that some questions in connection with this they did not discuss but avoided those questions. I do not believe that at the present time I could discuss all the points that have arisen in connection with the fate of Poland in 1939; but, on the other hand, I do not believe that it is necessary, because it is decisive what the actual conditions were in 1940 and '41 and not what the subsequent judgment in 1946 by the International Mil-

itary Tribunal was.

As for the objection of the Prosecutor, it apparently means that he contests the probative value of this evidence. He does not say that the document is not authentic. In my concluding speech I will be forced to comment on all these questions, especially as to whether these experimental subjects were under German jurisdiction; but I do not believe that the objection of the Prosecution is justified, because the relevance of this document is shown only by comparison with the other documents which I intend to submit, and in considering the reasons which I intend to explain later. In my opinion, it would not be necessary at all to submit this document, because the German-Soviet Boundary and Friendship Treaty on the 20th of September, 1939, has in the meanwhile become so well-known that it would be sufficient for me to refer to it and assume that this is a fact which is well-known.

JUDGE SEBRING: Now is it your theory that there occurred a complete subjugation, in effect, then a partition of this territory partly to Germany under such conditions that under international law it became a part of the Reich and that thereafter the municipal courts of Germany and the municipal law of Germany could be brought over into the territory and administered as against these people? Is that the thing for which you contend?

DR. SEIDL: In contrast to the territories which fell to the Soviet Union which were immediately incorporated into the Soviet State, the territories from which the witnesses examined here came were not incorporated into the Reich. It is true that a part of the former State was incorporated into the German Reich, a part of the former Polish State, but the largest part of the area west of the demarcation line was made into a unit called the Government General. This included 16 million people. It was under a Governor General. German law was not applied directly to this territory. The Governor General to maintain order issued laws and regulations which were in compliance with the Hague Convention of 1907; but I am of the opinion that under the conditions existing at that time,

the occupying power was justified in taking the necessary measures to maintain order, and that these laws and regulations were binding on the members of the Government General.

KIDGH SLEBONIC: Well, aren't you obliged to contend for occupation rather than subjugation and certain ordinances and laws administered by military courts under the doctrine of military necessity? How which path are you going? What is it that you contend for here?

DR. SEIDL: Your Honors, I have already said that in my opinion this is a typical case of *de bellaccio*. But I do not believe that therefore the form of this question is the essential difference, whether one speaks of *de bellaccio* or only *occupatio bellica*. Even in the latter case the occupying powers were quite doubtless justified in issuing the orders and regulations, necessary under conditions prevailing at the time, in order to maintain order in this territory, and which were necessary because this territory of the Government General was the largest military transit area ever seen in the history of warfare. Therefore, I do not believe there is any important difference whether one chooses one alternative or the other; but in addition the question will also have to be examined as to whether the members of this resistance movement were under the protection of the rules of warfare at all. They were not members of the armed forces of a Power. One will have to assume that the members of the resistance movement belonged to the group which is called *franc-tireurs* under international law.

THE PRESIDENT: The Tribunal will admit the document referred to, with the express understanding that in a final hearing the Tribunal reserves the right to reject the document if it finds them immaterial, and if the theory upon which they are offered be found incorrect as to the questions of both fact and law to be determined. The document at this time will be admitted provisionally.

DR. SEIDL: I submit this document as Gebhardt Exhibit No. 15, and I ask the Tribunal to take notice of the contents of this document.

The next document which I intend to submit is on page 80 of the document book. It is a decree of the Fuehrer and Reich Chancellor in the administration of the occupied Polish territory, of the 12th October, 1939. I ask the Tribunal to take judicial notice of the contents of this docu-

ment, and I go one. This is Gebhardt Exhibit No. 14.

THE PRESIDENT: This document will be admitted in evidence provisionally under the same restrictions mentioned in regard to the preceding exhibit.

DR. SEIDL: Then I go on to page 33 of the document book. This is an ordinance concerning the military jurisdiction for civilians in the General Government of the 26th of January, 1940. I submit this document with the same reservations as the other document as Gebhardt Exhibit No. 15. I originally intended, Mr. President, to submit a different document at this point. This was not possible because the decree, which I referred to, was in the directive for the Governor General which is not to be found in the library at the present time. Therefore, I shall read from page 84 of the document book Article 4. I quote:

"Article 4.

(1) The competence of court martials as established by article 4 of the ordinance of the Commander-in-Chief of the Army regarding possession of weapons dated 12 September 1939 (Official Gazette for the occupied Polish territories, page 8) is discontinued.

(2) The trial of criminal acts as described in Articles 1, 2 of the before-mentioned order will be transferred to court martials, the composition of which is defined by article 11, section 2 of the ordinance to combat acts of violence in the General government, dated 31 October 1939 (Official Gazette for the occupied Polish territories, page 10) and the supplementary ordinance dated 2 December, 1939.

(3) Criminal cases already under review at military court should be dealt with under previous regulations."

I have read this paragraph into the record, because, after the presentation of evidence, I shall refer to this ordinance of 31 October, 1939, about combatting acts of violence in the General Government.

Then I go to page 85 of the document book.

JUDGE SEERER: Will you be prepared during the course of the presentation of your case, or some aspect of it, to bring to the Court the

correct translations of the various articles and sections of the laws referred to here?

DR. SEIDL: I shall endeavor to obtain this ordinance of the Governor General which is mentioned here and shall submit it to the Tribunal later.

Volume 39 of the Gazette for the Government General was available here during the trial before the International Military Tribunal. Unfortunately, I cannot find it at the present time, but I shall try to get this decree from a library.

THE PRESIDENT: The offered exhibit will be admitted provisionally under the same condition as the last two preceding exhibits.

DR. SEIDL: The last document which I want to submit in this document book is on page 85. It is a letter from the defendant, Dr. Gebhardt, to the President of the Swedish Red Cross, Count Bernadotte. I shall not read this letter into the record. I ask the Court to take judicial notice of its contents. I submit this letter as Gebhardt Exhibit No. 16.

THE PRESIDENT: It may be admitted.

DR. SEIDL: Mr. President, this completes the presentation of evidence for the defendant, Dr. Karl Gebhardt for the present. I ask to reserve the right at a later time to submit a few exhibits which are in a supplementary volume.

THE PRESIDENT: At what time do you propose to offer the supplementary exhibits?

DR. SEIDL: I hope that I will be able to submit the other exhibits in about two weeks. The delay was because various affidavits, particularly those of the witnesses whom I mentioned before, have not yet been received.

THE PRESIDENT: Counsel may offer the exhibits when they are prepared.

DR. SEIDL: Mr. President, Your Honors, now I turn to the case of the defendant Dr. Fritz Fischer, and ask the Court to call the defendant Dr. Fritz Fischer to the witness stand.

THE PRESIDENT: The defendant Dr. Fritz Fischer will take the witness stand.

JUDGE SEBRING: You will raise your hand and be sworn. I swear by God, the Almighty and Omniscent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEBRING: Be seated.

DIRECT EXAMINATION

BY DR. SEIDL:

Q. Witness, you were born on the 5th of October, 1912, in Berlin. Is that true?

A. Yes.

Q. The prosecution has already submitted an affidavit in which your career is briefly described. This is Document No. 559, which the prosecution submitted as Exhibit 26. To supplement this affidavit will you please give more information about your examination and your education.

A. I was born in 1912 in Berlin - in a suburb of Berlin. I was brought up in a middle class home. My parents considered themselves quiet people, that is, their desire was mainly to do their duty in life through work. They had no intention and ambition of playing any role in public life. My family descended from peasants in Mark Brandenburg. Mark Brandenburg is the area around the city of Berlin, the core of the Prussian state.

The training which I had at home on the basis of several hundred years corresponds to this background. It gave the individual the duties of industry in daily life and it was limited by the belief in the authorities appointed by God, the authorities of the King, and the Government, and the State. The King, State, and Government were the units which were

absolutely united with the concept of law. This is how my father lived his life. He served under three Kaisers. He was a loyal citizen of the German Republic. He was also a loyal citizen of the Third Reich. He never took any part in politics and he also gave me this advice. Neither before nor after 1933 did he belong to any political party or any political organization. This basic attitude of a loyal citizen without any political function, who sees more than a duty in loyalty - more a virtue - based on the belief in the authority of the State which as an institution has the highest right - this is the spirit in which I was brought up.

Q. Then you went to school in Berlin and high school?

A. Yes. From 1919 to 1931 I attended Realgymnasium.

Q. In 1931 you graduated?

A. In 1931 I graduated and studied at the University of Berlin, Leipzig, Bonn, and Hamburg. I studied medicine. In 1936 in Hamburg I took the medical state examination.

Q. During your studies did you have any special field of interest?

A. During my studies I had great interest and great pleasure in medicine, primarily for the branch which developed next to purely clinics - the step to modern medicine is the border areas between natural sciences and medicine. At that time without discussing it I had the hope of becoming a university teacher some day in the field of surgery. To get a followed and accurate basis for this work as a student and as a clinician I studied pathological anatomy. And, at least two years of my studies, during vacation I worked in pathological anatomy. After taking my state examination for these considerations, keeping surgery as an aim, I chose pathological anatomy for my training for the next few years. And, for that purpose I went to the Rudolf Virchow Institute in Berlin, the Pathological Institute of the greatest German hospital, where 2500 autopsies were performed annually by eight doctors.

Q. What position did you hold at the outbreak of the war?

A. In 1936, as I said, I took the state examination. In 1939, in

in spring, I was first assistant at the Pathological Institute. During this time, especially during the summer, in the absence of the Director of the Institute I was in charge of the autopsy work and the microscopic histological work, individually representing the chief.

Q. Now, I should like to interrupt you and consider the question: What role did politics play in your life before the outbreak of the war?

A. In 1933 I was twenty years old. At the time I belonged to a Student Sport Corporation and had taken no part in politics whatever.

Q. Did you belong to any party?

A. I did not belong to any party or any political youth movement. My only activity was in sports and since I belonged to the youth group around Stefan George that was quite far removed from the ideals of national socialism. In 1934 I was in the same position as before. The entire intensification of life since, since Hitler had taken over the government, impressed me. A regulation was issued in 1934 that the students at the universities could matriculate only if they belonged to some national socialist organization. I should like to emphasize that I was not an opponent at the time. I considered myself a member of loyal and tolerant circles but I did not strive for admission to the Party. I submitted to this regulation because in the first place I had the idea the State wanted it, and because I considered the National Socialist organization as a State Youth organization. For these considerations in 1934 in Bonn on the Rhine I joined the General-SS, or rather I joined one of these organizations. I had participated in a riding and driving training and I participated in sports. For that reason in this I wanted to have the opportunity to continue this activity and since there was the organization in Bonn which had a riding group - it was the General-SS, without considering convenience I joined this organization. That was the General-SS.

Q. The witness Dr. Leibbrandt said that the study of medicine in the Third Reich was shortened, and that students had to be members of Student League and Hitler Youth. He also said that politically active

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elements had to visit the Fuehrer school at Altresse. Did you belong to any of these organizations? Did you take work at this Fuehrer school in Altresse?

A. No. I did not consider myself an active political element at the time or later. I was a member of the General SS and, thus in a certain sense, I had the attribute with which I could get through the difficulties of public life. I did not belong to any other National Socialist organization until 1939. In 1939 the General SS asked me to join the Party and I did so. I did not belong to the League of Students or the Hitler Youth, and I was not in the Fuehrer school at Altdorf. My studies were not shortened. I took the prescribed number of semesters, which was eleven, and a complete year of interne work.

Q. How was the service in the SS or in the Reitersturm which you joined?

A. I was there only for a year and then, for reasons of training, I went to Berlin, Bonn and Leipzig, and then I served in the General SS not in the Reitersturm because there was none. It will be difficult to describe this service because it was completely colorless. It was a mixture of sport with a certain character of military sport. It was, in some ways, like a veterans' organization.

Q. Then, why did you not leave the SS since you were not satisfied with the service?

A. The situation was that in order to fulfill the demands in public life - and I was a Government employee, an employee of the City of Berlin - one had to have some sort of evidence that one was a member of a National Socialist organization. That was one reason. The more comfortable reason. And in the second place I always saw a certain justification for this service in the practical solution for the social question - the question of social differences. It was actually so that within the residential district, after the organization was set up, the members of the various classes met on a basis of friendship in this service and the members of the laborers' class were next to jurists, and the merchant next to artisans, and in this realization of the overcoming of class differences, I saw a definitely positive task which made it possible for me to bear this uninteresting service - and I must add that, at this time, the service

consisted of two or three times a month attending such a meeting and there were no further claims.

Q. When and under what circumstances did you join the Waffen-SS?

A. In my civilian position in the Virchow Hospital in Berlin I had so much to do and had such a definite direction of training that I had never got around to doing military service. Consequently, at the beginning of the war I was not in the Wehrmacht. In November, 1939, I was ordered to report as a member of the General SS who had not yet done military service. I was ordered to report to the Waffen-SS. At the time I was not particularly happy about this. My friends were in the Wehrmacht and I would have preferred to go there. I went to the magistrate of the City of Berlin with this letter and I went to the draft board with it, but I was told that this had the effect of law and that it was my duty to report in Berlin-Lichterfelde, as instructed. At the time there was a saying that everyone had to do his duty where he was assigned, and I was satisfied with this.

Q. Then you were a reservist in the Waffen-SS?

A. Yes, I was a reservist in the Waffen-SS.

Q. What training did you have in the Waffen-SS?

A. At first, I was in the barracks of Bodyguard Adolf Hitler, at Lichterfelde, and then I came to the recruit training regiment in Stralsund and I was given the normal training for three months by the Waffen-SS.

Q. Then how did you come to Hohenlychen?

A. After the end of this training I was given an order to transfer - an order to report to Hohenlychen at the SS Hospital.

Q. What impression did you have at the time of the hospitals at Hohenlychen?

A. I had already known the names of the hospitals at Hohenlychen. They played a very important role in the German sport movement and among German sport enthusiasts and, in the second place, they were among

these hospitals which supplied operation material for the Rudolf Virchow Pathological Institute for histological examinations. For that reason, I knew this name and the name of the chief physician. In the spring of 1940, I arrived there for the first time. I was quite astonished at what I found there. This clinic differed in many respects from the picture which I had been accustomed to see at clinics. First of all, it was situated and constructed differently. It was on a lake, in the woods, on a hill, and consisted of fifteen large handsome buildings, and between the buildings there were large expanses of lawn, flower beds and sport places. But the first impression, in addition to this, was the attitude of the patients in contrast to the somewhat lethargic attitude of the patients in the usual city hospitals. It is difficult for me today to remember all this. Much of it is over-shadowed, but it is not exaggerating to say that the patients were distinguished because, in spite of the severe injuries, most of them looked happy, and since I had a relatively critical attitude from having worked in the pathological anatomy I was interested in finding out the secret of the reputation of Hohenlychen. First, I was an assistant doctor at a large septic station and I saw there that the treatment was conducted on the same principle as we had been taught at the university clinic. That did not seem to be a good explanation in the beginning until I discovered that the most important thing at Hohenlychen was that orthodox methods of school medicine, which were known to us, here too were used with special intensity according to a special scheme. After a few months I was in a position to see what these principles were, and these principles did not include any principle that was not preached elsewhere. It was the doctrine of Laxer in the treatment of inflammation, the doctrine of the classical orthopedists Lange and Brandes in the treatment by immobilization and plaster cast, and, the only specific thing originated by Gebhardt, the special type of exercise in which there was an exact balance between rest and active exercise. But the other specific thing was that all doctors acted according to these rules which Gebhardt had

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laid down. While otherwise individual choice of assistants is rather high, here everything was coordinated in such a way that the treatment at Station 1 was, in principle and in effect, the same as that of Station 15. And there was another thing that I noticed. That was the deliberate emphasis of nursing care. The Chief Physician, Professor Gebhardt, told us at that time that the essential thing is not operating technique because that could be learned. The most important thing - the primary thing was the nursing care given the individual patient who must have the feeling that he is given personal care by his doctor. And these rules were centralized and directed by the man at the head of this clinic.

Q. What impression did you have, at the time, of the personality of the head of this clinic, the defendant Dr. Gebhardt? Was he a strong personality?

A. The impressions which I had of Gebhardt were composed of impressions of him in his work as a doctor and a scientist, and of the impression which I had of his effect on the patients. I realized that this concept of a special reputation of Hohenlychen among German patients came exclusively from Gebhardt's personality as a doctor. Gebhardt was such a strong man that he transferred this strength of character to his assistants and to his patients. Or, rather, to his patients and to his assistants, in that order. I shall never forget how, of the many thousands of patients whom I saw go through Hohenlychen, the eyes of hundreds were on him in confidence which I had never yet seen devoted to a doctor. I frequently had an opportunity to see it when I was the assistant and visited the patients together with him. He was aware of this strength of his personality and this was an essential factor in his treatment. For this reason, he, who was the head of a thousand bed clinic, had set up an arrangement which I was unaccustomed to.

Hohenlychen was about 100 kilometers from Berlin and the only connection was by railroad. Therefore, three times a day the patients arrived. During the times when patients were arriving, Gebhardt collected his assistants around him and day after day received the patients so that every single patient who was admitted, through an especially skillful organization, came into the clinic and was immediately under the eyes of the Chief, who listened to his complaints, who decided the course of the treatment, who gave instructions to the assistants for the treatment, and who then always had time to shake hands with the patient and express his assurance that the case would develop favorably. If I analyze these things now, afterwards, they may seem rather bald. For the person who came to the clinic for help it was certainly a deep human experience that he did not have to wait hours or days, even during the war, until someone took an interest in him and that it was not just someone who took an interest in him but it was the famous head of the clinic who came to him in the first hour to ask about his complaint, to examine him, and to express his good wishes.

Q You spoke of a special position of Hohenlychen. What did you mean?

A Well, there was another thing I noticed especially at the time in contrast to other clinics. I had admitted patients at the Virchow Hospital in Berlin frequently and there was something that most hurt me and that impressed me greatly. That was that the first subject of discussion, the first contact between a patient and the doctor, was always, unfortunately, the question of the financial settlement. First of all it had to be established who would pay the expenses and that was something that did not exist at Hohenlychen. When the patients arrived I should like to say, before they realized it they were being examined, they were being x-rayed, they were examined by the Chief

and it is certainly not wrong if I say that some of them were operated on and were in bed for 8 or 10 days before they managed to say that they had financial difficulties and that they did not know how they were going to pay. Then we assistants only had to mention it to the Chief, who was always ready and always able to help them and support them. Thereby the whole clinical experience was given a special breadth and a special centralization on the medical personality of Gebhardt. If I had the impression of a special position, this was due to Gebhardt's announcement to the assistants that Hohenlychen was a clinic which had a special position in Germany. He collected the assistant doctors and all the associates around himself frequently and at such discussions he said this. He said that the clinic had to keep an especially high level and that therefore we had an especially great duty and he expected very much from us. He took no consideration of any free time. He had us work from 7:00 in the morning until late at night and he did not recognize Saturday and Sunday. He opposed attempts to get a certain free time. He opposed that very energetically but in this demand for clinical obedience he always appealed to the duty of the doctor to help and to be interested only in medical care. He never asked us with a harshness which we could not understand. He merely appealed to higher moral virtue and aims within our profession. The clinic held a high level even during the war and it was often said that service at Hohenlychen was just as important as service with the divisions, because this clinic, for example, had special tasks regarding the sickness of very high and indispensable personalities. In the second place, this impression was given to me, who came from the middle class and the highest personality I had ever seen during peacetime was perhaps the mayor of my home town-- this impression of a special position was given to me because the patients held the highest

positions in the society of Germany and other countries. I knew that a king of a European country was one of the patients. I knew and had seen that members of many European royal families were patients. International financial magnates were patients. More than half of all German ministers, foreign ministers, foreign ambassadors and international artists came to Hohenlychen. That, too, was because they wanted to be treated by Gebhardt and Gebhardt projected this duty and this honor to all his clinic, that is, to Hohenlychen.

These are the reasons why I came to the opinion that Hohenlychen had a special position. The next thing that impressed me was that these patients of high positions in society were together with the very poor men who formed the majority of the patients. I read once of very famous clinics abroad which prepared to care for especially rich people. If these clinics rich people were also and then in contrast to that there were proletarian clinics or charitable clinics for poor people. That was in a form which I had never been able to imagine. That was united in Hohenlychen. In Ward 1, where I was the doctor, there were those whom I mentioned first; in Ward 15, where I was also the doctor for a long time, there were wounded workers from the highway or miners, or wounded from the army in Ward 7, and Waffen-SS in Ward 21. Everything was together there and we assistants worked in all wards and all the clinics and knew the work in all of them. We knew that Private Ward 1 differed from Ward 15 because the minister had a private room and a bathroom and perhaps an anteroom and a telephone and that the soldier was in the same room with other people; but we had to tell ourselves repeatedly that there was no difference whatever in the treatment. Therefore I had a deep respect for the personality of Gebhardt and had enormous confidence in him on the basis of the work which he did there, which he had been doing on for 10 years.

Q Were you especially impressed in the sense of National Socialist ideology or SS ideology at Hohenlychen?

A No. In a certain sense Hohenlychen was extremely tolerant. There was no doubt it was definitely loyal to the State. I knew Hohenlychen only during the war. The duty of loyalty to the State was a matter of course but no one felt obligated to the Party and to the National Socialist ideology. I may note in passing that religious services were held in both denominations in the chapel until the collapse and that the priests of both religions came to teach religion to the sick children; but that was not the important thing. I should like to say there was enough room at Hohenlychen for catholic thinking and for protestant thinking and from the time when I examined the ambulatory patients I knew that Jews and half-Jews were also treated there and attracted no attention. That was the thing which I noticed. Goebbels sometimes formulated that and said that we are living the National Socialism here of Goebbels type.

Q How long did you stay in Hohenlychen and then where did you go?

A I stayed in Hohenlychen during 1940 and the first half of 1941, until the outbreak of the Russian Campaign. Then I was transferred to the 1st SS Division, the Body Guard of Adolf Hitler, and was made the Sector of the 1st Battalion of this Division.

Q This Division was in the campaign against Russia?

A Yes, this Division took part in the campaign against Russia. It was in the southern sector of the Eastern Front.

THE PRESIDENT: The Tribunal now will be in recess.

(A recess was taken)

THE MARSHALL: The Tribunal is again in session.

BY DR. SEIDL:

Q Witness, the war against Soviet Russia you took part in as a Leibstandarte Adolf Hitler; please tell us of your experience during this service in respect to the evidence being presented in this proceedings?

A I took part in the war against Soviet Russia first as a physician for the First Battalion and second as second surgeon, a Hauptverband - Platz is the medical unit in which the surgical treatment takes place at the closest distance from the front.

At that time I experienced the war for the first time really and there I saw things that you cannot find in books. It was a very difficult time because it placed the individual under an entirely different law from the law under which he was placed during peace and because not everyone has had this experience personally and many of those who did experience it did not survive it, so that those who had experience in this respect are individuals among a great number and are likely not to be understood. I should have been happy if my generation had been spread this experience, but that was our task and this is the tragedy of the situation that my generation did participate in this and it would not be right for me to complain about this - of course I would have to complain to a German.

This Division was a German elite Division. From the very first day of the Russian campaign until the day when I had to leave it because of a slight wound and a serious illness on the front lines in actual combat.

At that time the German Divisions were still advancing to the east and the attacks were carried out with no regard for our own losses. The Division was 12,000 men strong at the beginning, 12,000 young men no older than twenty four. As troop physician I came to know these men to a large extent so that the difficult

thing for me subsequently was that the number of wounded were not impersonal cases of wounded persons, rather they came to me as wounded friends as wounded human beings, whom I know very well and the sort of persons they were. I said that the division started with 12,000 men and when I left and I remember the statement, its strength at the end was in toto about 3,000. When I left a large number of these 9,000 fatalities and casualties went through my hands. They dropped out because of death in the field through wounds, through sickness and during winter because of the terrible cold.

My experience as a troop physician basically and in many respects differs from a front line combat officer. The combat officer, of course, also experiences war in all its hardships, but experiences it actively and when his men fall beside him, he tells himself that that simply is the fate of war, when they are wounded he tells himself the same and his position prevents him from inquiring into the individual fate of these individuals. But, these wounded persons who would come to us troop physicians are the same people with whom perhaps on the day before we had spoken and had made a particular impression on us. These people expressing the same hopes for life and wishes as one had within peace in mind in one's own heart.

In all these occurrences which did not happen sporadically as in the case of the combat officer, but happened continuously to us, these events lasted throughout months and months, and this is the way I answered the question at the end of the war. I believed that this war had been so dreadful that it could only be concluded after the last man had fallen. That was the impression that we had at that time because one asked oneself again and again: where do these young healthy people come from? At that time the man who was not completely inarticulate about things or hardened to them and who did not simply have the wish to reward himself as an individual and to save himself, such a person found himself in a critical spiritual condition because everything that happened and was experienced took place according to laws which one did not know of from peacetime.

We had been raised in the belief in order, order in which man occupied the central point, and we saw man as a creature who stood in a personal and direct relationship with God. Now we experienced day after day that human beings whom one knew and of which one knew that they did not hate the enemy, that these men obeyed order and in obeying these orders committed deeds or were wounded or died although we knew that they had not been particularly obliged to do this rather than someone else, but that they did this only because they did not disobey the laws of the State. Thus, the person who analyzed these conditions from a spiritual point of view went through a very essential change if he saw that there was such a thing as a law of war, a moralethical law of war, and that this law of war was not only different from the law of peace but that it was actually the diametric opposite of the law of peace.

In peacetime the individual stood in the center and the State was simply the organization for the individual security, and unless one wanted to be an anarchist, one could allow in warfare only that law which put the State in the center and adopted a

supra-individual attitude, however, without being able to avoid the conclusion that the individual occupied a secondary position. There were also philosophic bases for this point of view.

One referred to Hegel who saw history as the manifestation of Divine Will and the State on the one hand as the highest ethical norm, and on the other hand saw in the State the instrument for the execution of this historical process. Thus, two laws confronted one another which really had no contact with each other but stood in a contradiction to one another. Both were based on ethical principles. The justification of each of them could not be denied. They were based both on concern for the suffering, cares and deaths of the soldiers in relation to reality. At that time I felt the wish in myself to defend myself against these terrible occurrences, but I could not have granted myself the right of accepting any fate but that which the others next to me were to experience, but after the war I wanted to appear before the youth of our country and speak against war as an institution because I believed that it was the root of all evil, and I thought that this would be more convincing if I did not do it from a comfortable armchair but did it after I myself had experienced the hardships of war as a brave soldier.

At that time it was clear to me that it was a particularly tragic situation that would result if a man had to act in a moment in which the laws of war and those of peace were working in him simultaneously and if he experienced within himself the difference and the contradiction between these two laws, both of which were based on ethical bases and demands.

Q How did the leadership of the SS Division differ from that of others?

A. Counsel can certainly advise me on this since I was only under the Waffen SS. I only saw the other divisions next to me but was not actually in them. One thing I do know that they were essentially characterized by the personalities of their commanders. These commanders were men and personalities who, as history will report, were determined and courageous and they gave an example of such qualities to their soldiers. I had experiences with two divisional commanders. They both wore the decoration for close fighting, from which it could be seen that they had not directed tank attacks from their headquarters, but they were actually on hand in the first tanks themselves, and actively participated in the fighting. This resulted in a very particular command relationship within the division, because a man who acted in this way and of whom it was known he was a courageous man and had experienced everything the common soldier had experienced. It was impossible to refuse to obey such a man and it was impossible not to give such a commander implicit obedience. These personalities and personal courage of these men was really the essential characteristic of these men, although they may have been in tactical respects very skillful.

Q. What were your impressions at that time on the Eastern front regarding the medical and the medical military problems?

A. The first thing that I experienced was that the situation here was quite different from that in peace. For example in 1941 and 1942 there was mention of a winter catastrophe on the Russian front and I heard at that time with interest that this catastrophe was traced back to some extent to difficulties in organization. We troop physicians saw a different picture of this and we thought the main reason for this was a different one. The situation was characterized by the fact that the medical power, even that in the ambulances was not sufficient to fill the duties that were placed on us, particularly when a main dressing station had four doctors and cannot under any circumstances take care of more than twenty or twenty-five seriously wounded persons, and perhaps as many as fifty slightly wounded persons in one day. The problem of which I spoke came up when not sixty wounded persons turned up, but 150 and 200 and I have experienced 400 wounded persons which had to be taken care of at the dressing station. Secondly, the situation was characterized by the fact that the war was a war of movement, which made the connections between the various

units much more difficult, where as the main emphasis in the medical care with the individual unit in the case of wounds from high velocity weapons, the troop physician was not to take care of the wounded. This could not have been foreseen, and later that a symptom arose which was known as the third stage of molecular disturbance. The first care for these wounded persons was insufficient and the troop physicians could only sterilize the wounds. Their main task and their main concern was to transport the wounded from the front lines to the rear area, the main dressing stations in the rear area, so that the real surgical treatment took place only at the main dressing stations in the rear area and they were successful. From this it can be seen that unfortunate conditions arose which it was impossible to solve because of one division which consisted of 15,000 men there were two main dressing stations and one front-line dressing station. In those two main dressing stations there were four surgeons and they were the ones who had to do the main surgical treatment. I think that even this is problematic, and that if one is clear regarding the fact that in this war a disproportion existed between the destructive power on the one hand and the static potentialities of the physician, then the answer is given to the question which has frequently been asked here and which people tried to solve along organizational lines. When our division stood over against a Russian division and there was a Stalin-Organ(organ) in this Russian division with rocket guns, and one of these Stalin organs, these rocket shooters, had a direct hit in a group of soldiers, thirty or forty soldiers fell, and that corresponded to the number which it would take a physician in the main dressing station a whole day to attend to. Unfortunately they did not shoot just one Stalin organ but hundreds at a time, of which not all hit home, but even if ten hit then the number of wounded reached as high as four or five hundred. This was a number of casualties against which the physician working with his hands could do simply nothing. At that time because of this attitude and because of the necessity and of this problem the report regarding the effectiveness of sulfonamide was particularly striking, and made a great impression, because if I simply wanted to relax into desperation and watch how our soldiers and the enemy's soldiers simply fell to their fate without any help and saw the technical development of the destructive weapons,

then, of course, I wanted to do something. Psychologically, it was very difficult for a surgeon at a main dressing station to stay there without feeling that the task which he was presented with was simply beyond his powers no matter what he might do. He who was not ready to resign himself to the current situation that this also was peace work over against the growth of these modern weapons. Then the hope and possibility arose that many embraced in deceiving themselves and in being very critical, namely, the hope that with therapeutic methods it would be possible to equal the technical growth of destructive weapons equivalent to the growth in methods of therapy. These speculations were not without their consequences because if in this way a large number of wounded persons could be cared for they were cared for and no one concerned himself subsequently with these treated persons because there were still enough who were in need of acute surgical care. These persons who had been treated took the long and arduous journey back to the interior. But the relations in the East were much different from those in the West. I also went through the war in the West. There in the first place we were protected by the Red Cross because our opponent was a fair one. He could rely on the Red Cross sign and the wounded transports could move without interference. In the East on the other hand, the situation was different. Red Cross cars were shot at as much as any other, but that was not the most difficult matter. The most difficult matter was the roads. I recall a specific experience. I was once commissioned to send my wounded from the main dressing station to a field hospital and we had to put our men in school houses and we had to have more room. At that time I hoped that the transport would have help from the trucks from the munitions depot and that the transport could be carried out in one day, but it turned out quite differently. These 18 kilometers could be covered only in three days because the trucks had to move arduously through these soft muddy roads, and during those three days the patients were without any care and the necessity alone of meeting their human daily needs caused difficulties. In other words, this was an enormously important matter, whether we could succeed with the help of sulfonamide or finding a reliable chemical treatment for that enormous number of wounded persons who otherwise

would not have been treated or at least insufficiently treated. Because

of this mis-proportion of the destructive power of the weapons and the manual potentialities of the surgeons this was what characterized the medical situation in the war in the East.

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Q. Where did you then go to from this main dressing station?

A. I fell sick in December 1941 of jaundice and went back through medical channels to the rear area, to Hohenlychen.

Q. What impression did Hohenlychen make on you in December 1941?

A. I arrived at the beginning of 1942 and found Hohenlychen quite different from what it was a year ago. This change was not in external matters or facts, but was rather a more internal matter. In 1940 Hohenlychen was a hospital, in which sportsmen or others were to be found, and the basic tone there was cheerful and almost happy. In 1942 Hohenlychen was an Army hospital. The sportsmen had become less and they were mostly wounded soldiers who were being cured there and who had the opportunity there of being cured. This basic change affected also the clinic. I would like to say that everything was more serious in tone.

Q. What position did you have there in the Army Hospital in Hohenlychen?

A. I was Obersturmfuehrer, that corresponds to Lieutenant in the American Army. And, at the beginning was in charge of the Septic Station, and then was assistant in private station No. I and in the Officer's Station P-2. Also it was my task to take care of the ambulatory civilian patients who came at the rate of about thirty a day to Hohenlychen to consult with Gebhardt and be introduced to him. It was my task to introduce them to Gebhardt.

Q. In July 1942 your Chief, General in the 3rd, Gebhardt gave you the order to carry out human experiments. Professor Gebhardt has described these experiments in detail. Would you like to make some statements regarding them? But, first I should like to ask you, did you previously concern yourself with this basic problem, namely, whether medical experiments on human beings were justified or not?

A. Counsel, before I answer that question I should like to point out that the sentence "you received the order" was translated "you received the permission".

Q. You did not receive permission, rather you received a specific order from your superior officer and chief of the clinic who was then Obersturmfuehrer and General in the SS Gebhardt.

A. Yes. I had concerned myself almost not at all with the question of human experiments heretofore. I had known that there were experiments on human beings in the course of medical history but I never looked into this matter and had the conviction and wish never to concern myself with that problem. I knew that there were human beings and doctors, who even in normal times acted as free individuals and held human experiments to be necessary. And I knew that these were doctors who were not so much clinical doctors or followed a clinical direction which can be traced back to the old art of Priest craft and assisted in observing the symptoms of sickness, but were doctors who in normal times followed their own initiative. They represented natural scientific attitude and felt themselves ethically justified in what they did, because in natural science the final proof lies in observation. And, in the natural science applying to biology proves itself in the last analysis observation of human beings. But, this was of no practical importance to me. These questions had been only academic considerations for me and had never had any real basic influence on me. At that time I did not even remember that I had ever concerned myself with this problem heretofore.

Q. To this question Professor Leibbrandt and Rostock expressed opinions. They testified that they would not have carried out such experiments on human beings. What is your basic attitude toward that problem?

A. When Professor Rostock gave this answer I envied him and I consider him happy - that at the height of his surgical career he could say such a thing. I had always believed that I, could say such a thing, because it would never have occurred to me to consider such an experiment necessary. I should never have carried them out, I, as a person who could make his own decision. So, I should like to say in summary that I have

exactly the same attitude as those two gentlemen. And in this particular trial, I see the question differently only so far as it was not a question of my initiative and basic attitude, but that these matters arose from the situation which was characteristic of war and the condition at that time, and was conditioned only by the War.

Q. Professor Leibbrandt's testimony and Rostock's testimony referred to 1947. How did the situation seem to you at that time?

A. The situation in 1942 was so different from the situation in 1947 during peace that in describing these things it is difficult for me to recall what the situation was at that time, namely 1942. Both the external and internal conditions I cannot describe sufficiently, unless I take up the development that led to these conditions. I was born shortly before the first World War and was educated in the period just subsequent to it. During this period of schooling we heard from our teachers of the situation that Germany was in after the first World War, namely poverty, because the old hereditary disease of Germany of particularism had had its sacrifice again. Whatever the political orientation of the teachers was, they all agreed that through work fate could be improved on but that, secondly, unity and, as a demand on the individual citizen, subordination to the State were an integrated and necessary prerequisite and a better fate in the future. All the parties, who got in touch with unity at that time, emphasized this point of view, and differences between parties themselves were periphery as far as we were concerned. Despite this wish for order and unity, despite this wish for a State, in which obedience and submission were paramount, disunity became greater and greater until 1933 when, to the surprise of most of us Hitler came on the scene. Their personal orientation toward this occurrence could be as different among individuals as possible. Nevertheless the strength of the State was again organized, the economic problem of unemployment was solved, and all this was a convincing argument and brought many people into a benignant attitude toward National Socialist party.

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10 Mar 47 - A - 23-4 - LJC - Gross - (Int Brown)

None of us believed at this time that there would be a War, but we knew, that if a War came about, the economic limitations under which Germany lived and had to live made defeat very likely. And, the only antidote against this fate seemed to us to be the moral strength of unity itself. There was a very essential change at the moment when the War began, of which I should like again to emphasize the fact that all of us, whether or not we were politically active, all of us did not greet it. I considered myself politically inactive at that time. The situation changed to this extent, that at that time we now considered ourselves no longer able to free ourselves from this total fate.

The National Socialistic state made propaganda of us, stating that the situation was that we were like the crew on a ship descending into a maelstrom, and the individual no longer had the right to follow his own wishes, because his fate was the fate of all, and it could only be a question either of the ship's floundering or that, through common efforts, it would be able to reach the shore. I believe that this was the most convincing argument, that persuaded many who were in opposition, or simply endured National Socialism, then actually took part in it actively, abandoned their passivity and regarded the Fuehrer not as the leader of the Party or as the exponent of a political system, but as the chief of state of the German Reich and as the commander-in-Chief in the war whom they obeyed implicitly in that capacity. The whole situation during that period, which we all know in the year 1942, was Germany's fight - life and death struggle - and I knew that this has not yet been expressed by witnesses at this trial - that was a characteristic that I, as a man of the people, experienced and did not so experience as a person in high position. This we saw as members of the German people. For us the State was characterized by the clear chain of command from the top to the bottom, to which was attached the responsibility and the duty to accept responsibility, and the duty from below upwards to be obedient. I should like to mention something else as characteristic for that situation. When I mentioned my front line experiences I spoke about how this law of war was obligatory ethically when one saw friends and also persons, one did not know, losing their lives during the war. In my effort to recognize the spirit and philosophic situation, I saw that it was not possible for the individual to recognize it, because it took place in an order that was above the individual and embraced a whole state, and so the situation in 1942 was characterized by the individual's recognition that he must obey the orders of the state, no matter where they might reach him, without always

demanded that he should understand the individual measures, and without it being demanded that he should consider them just. There are many parallels to these occurrences not only from the purely military sphere, but this law of war, which previously had been sharply discriminated between combat and rear area soldiers - now this law applied not only to front line soldiers but also to the hinterlands, and with this extension of the effectiveness of weapons, automatically the law of war, of which I have been speaking, also became extended; and so it happened that in other fields of life - for example, in labor allocation, all the individual peaceful laws were relinquished and were supplemented by new laws and regulations, which one could not understand from the purely peaceful point of view or orientation. The duty to work was obligatory for everyone, including women, and so in various spheres, life became loosened up, so to speak, so the individual was no longer able to discriminate at what point the law of peace applied and where it was over-lapped by the law of war. We also knew at this time that other persons, who were engaged in the pursuit of science - for instance, in the preparation of chemical war or in increasing the effectiveness of explosives - that these men certainly were not acting as individuals with a positive aim, but, on the contrary, with a destructive intention; and vis-a-vis these tasks, the individual who received orders to do such work was not in a position to refuse or even to ask himself whether it was permissible.

Q What was the contents of the order which, in connection with the sulfonamide experiments, Professor Gebhardt issued in July, 1942?

A Professor Gebhardt came, in the middle of July, 1942, from the Fuehrer's Headquarters; called me to him, and told me briefly and definitely that he had received an order from

the Fuehrer via Himmler to test the effectiveness of a few new sulfonamide preparations, of which he justifiably hoped that they would succeed in controlling wound infections, and which, for that reason, should be used as preventive means in the German Wehrmacht as widely as possible. He told me that for this reason, in order to be able to answer this decisive question entirely clearly, this order had come from the Fuehrer via Himmler and that the testing was to be carried out on human beings. Gebhardt told me that he was the person who had received part of this order; namely, the medical part and that he was going to carry it out and wanted to make use of my services as his assistant and he told me that I was as much obligated by this order as he was, since it was a Fuehrer Order, and that it was not my responsibility - what I did in obeying it.

Q You testified that it was a Fuehrer Order; namely, an order which you felt particularly obliged to obey. Did you otherwise, in your military career, receive a Fuehrer Order?

A In my military career I three times received Fuehrer Orders. Through the explanation I tried to give, regarding Germany's inner structure at that time, I wanted to point out the particularly obliging nature of such a Fuehrer Order. In November, 1941, when the German Front, for the first time, was brought to a standstill, my Division was before the Russian city of Rostov on the Don River. The German forces were exhausted, and in order to mobilize them again, the Fuehrer went to the front to Mariopol and gave our Divisional commander the order that the city of Rostov was to be taken. My Division consisted at that time of roughly 1000 men in four battalions. Two battalions totaling 500 men, were put together and I was given the order to conduct the main crossing operation for them. For a military tactician this would have been an enormous task to command such a group. The fact that it was a Fuehrer Order excluded any

possibility of discussion and, on the morning of the 30th of November, the two divisions went into attack as ordered, broke through the Russian defense, and, on the same day, took the city of Rostov on the Don. - Out of the 500 men, 300 were lost, and four days later they were thrown out of the city again. In the winter of 1943-1944, the German front in the Ukraine collapsed. The First German Army was included, surrounded, dispersed and fled into the rear regions. At this time, my division received a second Fuehrer Order. We were unloaded at Lemberg and entered a territory in which there were no more German soldiers; went 120 kilometers through the bitter Russian cold to the East. The tanks bogged down so that at the end we, consisting of infantry alone, had to try to gain our goal. This order was only carried out, because it was an order from the highest commander-in-chief; and, in this case also, we succeeded in doing what we were ordered to do. We freed the 230,000 people who had been surrounded, but this order also was carried out at the expense of great losses.

THE PRESIDENT: The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(A recess was taken until 0930 hours 11 March 1947)

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Official Transcript of the American Military
Tribunal in the matter of the United States
of America, against Carl Brandt, et al.,
defendants, sitting at Nurnberg, Germany,
on 11 March 1947, OCS, Justice Beals presiding.

THE MARSHAL: Persons in the court room will please find their seats.

The Honorable, the Judges of Military Tribunal I.

Military Tribunal I is now in session. God save the United States of
America and this honorable Tribunal.

There will be order in the court room.

THE PRESIDENT: Mr. Marshal, will you ascertain that the defendants are
all present in court.

THE MARSHAL: May it please your Honor, all defendants are present in
court with the exception of the Defendant Oberhauser, absent due to illness.

THE PRESIDENT: The Secretary-General will note for the record the
presence of 13 the defendants in court save the Defendant Oberhauser, who
has been excused on account of her illness.

Counsel may proceed.

FRITZ SCHER * Resumed.

DIRECT EXAMINATION (Continued).

BY DR. SAIDL (Counsel for the Defendant Fischer):

Q. Yesterday you spoke of the Fuehrer Order which Dr. Gebhardt informed
you of; I ask you now to tell the court what the contents of this order
were and what was to be ascertained through these experiments.

A. When in the middle of July 1942 I was called to Dr. Gebhardt, who
was to tell me about this experiment, he told me that this Fuehrer Order
was an order on the part of the State, in which a new series of new sulfonamide
preparations were to be tested. This testing was particularly important in
that preparatory investigations on animals, and also a clinical testing, had
demonstrated the particular effectiveness of the sulfonamide preparations,
so there was the justified hope that a decisive turn in the therapy of
infections would be achieved through these preparations. He pointed out to

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me that the decisive improvement was so important because, as I said yesterday, the therapeutic situation regarding persons wounded was very difficult. On the basis of documents he told me that there were in essence four preparations, one of which was cibazol, a sulfatiazol prepared by a Swiss firm; and a Swiss professor's, Dr. Brunner's work on this subject he showed to me, who had tested this preparation in a clinic. This clinical testing of the preparation really seemed to justify the hopes. He had carried out experiments on normal wounds, such as turned up in the accident clinic, and treated a total of 109 patients exclusively with sulfonamide and without the usual aseptic wound treatment according to Friedrich. His results were surprising in that of these 109 patients in the accident clinic, 106 recovered without complications, although in the case of 15 of these patients gas bacillus had been identified in the patient. This meant, in other words, a success of 97% i.e. for practical purposes 100% success.

Our clinic itself was sceptical regarding sulfonamide therapy in general, but the wish had of gradually entered into our critic for a means of combatting wound infections, which were taken greater and greater sacrifices.

The second paper, shown to me as a basis for this experimentation, was a work by Professor Domak with marfanil on wounds on animals. Marfanil is a sulfonamide preparation. It was introduced into the German Army, a mixture with protalbin. It was known as an H.P. Powder, but in this H.P. Powder one part was marfanil and nine parts protalbin. In the work that I was shown by this professor the preparation consisted solely of marfanil. Experiments were carried out on animals, and they had taken place as follows: There were a number of animals who were infected with gas gangrene without being treated surgically. In all these cases without surgical treatment death resulted. The animals treated with marfanil recovered in 82.5% of the cases. Gebhardt said thus, if marfanil therapy was used in association with surgery on the front, 100% success could be expected.

The third preparation was an entirely new one, Katoxin. It was particularly characterized by the fact that it was a colloidal solution, a combinatio

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of oxygen and silver; and of this preparation it was expected that it would be a vaceroid because of the silver, and because of the oxygen was to have particular effect on those bacilla which react to oxygen during their growth. There were animal experiments to substantiate this also, which had been carried out by the staff of the firm that manufactured katoxin, and the results of these animal experiments showed, for practical purposes, 100% success.

The last preparation was ultrasoptil. That was also a sulfathiazol. There was only a short paper on this preparation, but Professor Gebhardt explained that this preparation was said to be particularly effective from what he had heard from Professor Groll in the Wehrmacht's headquarters. From the explanation that I heard there, these preparations before they were introduced into the Wehrmacht -- which was to be done on a very broad basis -- should once more be tested as to their certain and reliable effectiveness. In order to achieve this goal, as Professor Gebhardt told me, the order had come to Professor Gebhardt from Hitler via Himmler and Goebbels, to test these preparations on human beings, so that a positively clear answer could be given to these questions. And he told me that since this order had been given, and once it had been given, he felt perfectly justified in carrying it out.

He described this order to me as a commission on the part of the State and said that he as the medical part of it would carry out only the medical part, and that the other members of the State would take care of the legal and other aspects of the problem.

Since this whole matter was extraordinarily surprising to me, and I was totally unprepared for it, I asked him at that time not to choose me to participate in it, because I was reluctant to operate on men under such circumstances; but I was told in the usual form at that time, namely, in a strict and factual manner, that it was a military order and that Professor Gebhardt had received this order; that he was responsible for what I did; that I was in no way responsible and that I in a certain sense should be his righthand.

Q What was told you about the experimental persons?

A I was told that a number of male German professional criminals who had been condemned to death were to be used for these experiments who would thus have a chance for pardon; and in addition Gebhardt told me how he imagined the experiments would take place. He told me that the healing effect of the chemotherapeutics would be completely confirmed, so that we would not have to count on having fatalities. A few of the patients for purposes of comparison would have to be left untreated chemotherapeutically. However, he would try to keep the resulting inflammation localized and isolated to such an extent in these untreated persons, that the physician would always be in a position to interrupt this inflammation through surgical means.

I must add one thing: at that time I was told that these experiments were not to be kept secret. I received this order from Gebhardt within the scope of our hospital perfectly publicly, nor did I see any writing that was marked secret. Professor Gebhardt did not keep these experiments secret, and I myself carried out these experiments perfectly openly; and I was also told at that time that reports were to be published on these experiments. Then, in other words, there was no secret character to this any way. In addition, I was always assured that this was a legal State action, the State having during the War taken the right to carry out such experiments.

Q You have now described your participation that you were to have according to the Fuehrer Order. Did you not also wonder in what situation the experimental persons, on whom the experiments were to be carried out, would find themselves?

A Yes, I did. At the beginning I stated that the thought of doing something that was not really in accordance with basic middle medical principles, namely, to treat a man not with the first aim of helping but a secondary one. I said that this was counter to my basic feelings, and that for that reason I did not want to take part in these experiments; but, at the same time I could not deny the effectiveness of Professor Gebhardt's argument. He told me that I had been chosen for this as his assistant, because he wished that the experiments should be carried out by him and the assistant who was close to him and within his same circle.

Regarding the fate of the experimental subjects involved, I did not think of them in a legal way, but thought of myself as part of a State whole as a soldier who not always had the opportunity, the possibility, and the right to fully realize and see the individual act he has been ordered to do in its full extent and to justify it to himself. I believe that these experimental subjects who as condemned to death were faced with certain death and, therefore, had a chance for life by going through with these experiments seemed to me some justification. It seems to me that if I were in the same situation as these experimental subjects, I would seize such an opportunity as was being presented to them.

Q The expectations, with which these experiments were undertaken, were that they would provide an effective means for front-line treatment. You expected from the experiments a positive result, namely, that the sulfonamide that were there tested could be used successfully in fighting wound infection.

A When the experiments began, I, at least, was firmly persuaded that, on the basis of the writings on the subject that we already had, there would only be minor inflammatory reactions, namely, in the experimental persons who were to be treated with sulfonamids. The writings on this subject seemed to justify this assumption on my part.

We were also convinced that the inflammation, that would result without the effect of the therapeutic means, could be combatted simply by keeping them resting in plaster casts, and that the inflammation would not spread.

I must go into this in some detail for the doctor and for the surgeon. An inflammation is deprived of its serious consequences if it is split open; and also in the case of gas gangrene we thought we could control inflammation if the patient was kept resting in bed, and if we stood next to the bed with the surgical knife in order to be able to combat the inflammation immediately by surgical means if necessary.

Q In other words, you did not expect fatalities?

A No. This fear of fatalities was not the reason why I asked not to participate in these experiments. Rather, I did so only because of my inner resistance to doing something in contrary to basic medical principles; but

we were of the opinion that in the individual cases the inflammation would be no worse than a boil, and we believed that in the patients not treated with sulfonamide a locally limited phlegmons might arise which, however, could be effectively combatted through surgical means. We did not expect fatalities.

Q How far is Ravensbrueck from Hohenlychen?

A Twelve kilometers.

Q Then it was always possible in the case of a fatality for you or Professor Gebhardt or another doctor to be fetched to Ravensbrueck?

A Yes, and Professor Gebhardt also told me that he had reached this arrangement precisely so that there would be assurance that he would be there at any time available to assist.

Q At that time when the order was given to you, did you know anything about the prehistory of this order such as it was described in this courtroom by Dr. Gebhardt?

A At that time I was Obersturmfuehrer in Hohenlychen, one of the youngest and lowest in rank of the assistants. Professor Gebhardt was the absolute chief of Hohenlychen, a very active and energetic man. He never discussed these matters with me. The prehistory of it such as it was here described I had no knowledge of.

Q Did you take part in any preparatory discussions of this with any officers?

A No.

Q Had you previously been in a concentration camp?

A No, never previously. My first visit to a concentration camp I made in the company of Professor Gebhardt, namely, at Ravensbrueck.

Q You heard Professor Gebhardt's description of the experiments in Group 1, namely, those carried out on fifteen male prisoners. Would you like to add anything to that description?

A It was as Professor Gebhardt described it. So far as I recall, twelve of these patients were given sulfonamide and three were treated only surgically as check patients. As in the later cases, a cut was made in the outer surface of the lower leg about three centimeters deep, and into this

incision the bacilli were introduced, and, as I said, in the case of twelve patients sulfonamide was later added or given intravenously, and in the other three, they were simply observed surgically. This first experimental series was only slightly effective. It was ascertained that the way in which we were inoculating the bacteria culture which we were doing very carefully was not satisfactory and resulted in something which we surgeons would call primary healing. In all fifteen cases the convalescence took place only with slight delay. There were no untreated persons in the experimental series.

Q Was there no subsequent damage as a result of these experiments or permanent damage in these patients?

A No, as I said it was something which we called delayed primary recovery. I checked their bandages until the conclusion of the experiment and was assured that no one suffered any further consequences of it above the scar which resulted.

Q How was Professor Gebhardt informed of the course of these experiments if he himself was not present at them?

A So far as Professor Gebhardt was not himself at Ravensbrueck, he was informed by me in the evening after the bandages had been checked in the clinic. Our clinic was very strictly organized. Every morning at 7:30 we turned in reports on all patients who had a temperature above 37.5 centigrade, and then in the evening at seven o'clock we reported personally on those patients whose case was somewhat more serious. In the course of these reports on the various patients in the surgical department, the ambulance departments and so on, I also mentioned to Gebhardt the patients from Ravensbrueck as to their general state and their temperature.

Q Please describe to the court the course of a normal visit which you paid to see the experiments in Ravensbrueck?

A Preceding such a visit was a telephonic announcement. I then rode over to Ravensbrueck and drew up before the large Commandatur building and reported there to the resident physician. This was really outside the camp itself. The resident physician then went with me into the camp. Once one had gone through the gates one entered a large court yard about 100 meters square, and to this the camp street lead. One of the barracks in the immediate vicinity of the gate was the barrack of the camp hospital, namely the operational building. I crossed this court yard and together with the resident physician I entered this first barrack. This was a wooden building with a cement or stone foundation, which gave one a good impression so far as it was constructed. There were two large operational theatres in this building, one for septic and one for aseptic operations, and as I recall, one or two small offices there, and then a room in which medical mechanical treatment could be carried out,

namely, treatment for broken arms, and a heat treatment, and then there was a special x-ray room, and then a drug room and a bath. When I came there, the visits to the building were rather few in number. I brought various equipment with me from Hohenlychen, and then the experimental patients were taken to the experimental location on portable conveyances, either in chairs or being carried. Initially they went on foot, but since we had patients brought in Hohenlychen I had asked the resident physician to make the arrangement I have just described. Then the bandage changing, which I then did, I carried on in the same way I would have in our clinic at Hohenlychen. I must state that because of the great amount of work we had at Hohenlychen I could only take care of this dressing between two and four in the afternoon, and when I got there I came directly from the sick beds of the patients in Hohenlychen, and I acted in the case of these Ravensbrueck patients exactly as I would have acted at Hohenlychen. I was assisted by prisoner nurses, who gave me the materials I needed, the change of dressings was carried out under anesthesia, and if the process of changing the dressings promised to be painful, it was carried out when the person was under complete anesthesia. I always tried to be as considerate of the experimental subject as I would have been of a private patient. And I came from a clinical private hospital environment and returned to it: before 2 p.m. and after four o'clock. When I returned, I was again attending to our patients at Hohenlychen.

Q What impression did this camp hospital in its external organization make on you? Was it clean?

A I can only make statements about the buildings and the equipment. I must also state that my arrival was announced before hand always. When I got there I saw a hospital situation which seemed very clean to me, such as one might find in a medium range hospital. The cleanliness was perfectly satisfactory. I also happened to know that the question of sanitation is not too great a problem there because there are so many persons around who can carry out sanitation measures.

Q You then came to the experiments on female Polish prisoners?

A In my description of the first experimental series I said that the effectiveness of these medicants could not be effectively tested because there was no difference between the case history of those treated with sulfonamides and those who were not treated with sulfonamide. For this reason, Professor Gebhardt ordered that the inflammation should be intensified, so that the local inflammation would be brought about which would permit these preparations to be tested. I went back to Ravensbrueck and found out from the president physician there that female prisoners had been prepared for these experiments. I had always previously seen the patients under narcosis only because I first had to sterilize my hands, and by the time I got there the patients had been already anesthetized. When I was told this by the resident physician I did not operate, but went back to Hohenlychen and reported to Professor Gebhardt, who was then in station I as a patient. I described the situation to him and asked him to free me from the necessity of carrying out these experiments. He also was greatly impressed, because as I knew he also was spiritually opposed to this experimentation, and he told me that he would take care to clear up this matter. A period of about two weeks then elapsed before I was called to him, and in the meantime he had recovered from his sickness and had gone to the headquarters and returned; and he told me he had spoken of this matter with the competent quarters, and that the experiments were to be continued, and that he was passing on this order to me. That it had been decided that female prisoners were to be used for the experiments, particularly in consideration of the fact that the experiments would probably not be dangerous to life. I was then told that Reichsrat Grawitz was to visit this next experimental series, which was considered to be the final one, and that for this reason I should begin immediately. Therefore, on the same day I went over to Ravensbrueck and began with the next experimental series.

Q What was told you with regard to these Polish female prisoners? Were you told they had been condemned to death and were to be executed?

A Yes, I was told that they were female Polish prisoners who were about to be executed. Professor Gebhardt also told me that, because of the

fact that experiments with male prisoners had been so harmless, this had induced him not to demand men again for the experiments. One wanted to use females that had been condemned to death and wanted to give these prisoners the chance to save their lives by experimenting on them rather than on males.

Q You heard Professor Gebhardt's testimony regarding experiments on the second group of subjects, namely, this group of 36 women. Do you have anything to add to that description?

A. No. My experiences with this second group of thirty-six was exactly what Professor Gebhardt described. This group was broken down in three series of twelve which were to be compared, one with the other. Among every twelve patient subjects, two were not treated with sulfonamide, and the other ten received sulfonamide after the inoculation, although in a varying scheme. There was one thing in common with all three groups, namely inflammation did not result in all cases when sulfonamide was injected into the wound at the same time as the bacteria. In the other cases on the other hand local inflammation arose, roughly the size of a boil as large as a walnut. In other words an inflammation that was altogether localized and which did not in any way endanger the whole organism; and, as I said, the only difference in these experiments was that there were some of them namely the six that received sulfonamide immediately with the bacteria culture, in which cases no inflammation resulted.

Q. You heard Professor Gebhardt's testimony regarding Dr. Grawitz's visit to Ravensbrück in September 1942. Do you have anything to say in supplement to that?

A. No. Professor Gebhardt described it clearly. Regarding the conversations that took place between Gebhardt and Grawitz, I am, of course, not informed. They were private conversations. I know only that Dr. Grawitz was very intemperate, and expressed the opinion that these experiments were providing no answer to problem as he understood it, and were providing no answer to the question of the effectiveness of sulfonamide, especially the effect of katechin and morphanil in the case of gas gangrene. I knew that he demanded that wounds should be treated that resembled war wounds, and that he gave directions these wounds were to be treated by means of a shot.

Q. What do you have to say about the third experiments series come about, with the two by twelve experimental patients

A. On the evening of Grawitz's visit I spoke with Professor Gebhardt in the evening conference. Upon at that time he was determined not to do any wounding through shooting. He was considering how this question regarding the effectiveness of the medicine could be solved a general state of illness and in particular through anaerobic infection. He told me a few days later that he had decided to test this effectiveness through changing the course or manner of the experiments, namely, that the anaerobiosis should be tested in a part of tissue that was poorly irrigated by blood. I was then told to test the effectiveness of anaerobiosis in such poorly irrigated tissue, namely, on a tying off of certain muscles in order to keep this tissue isolated from the rest of the tissue of the body. These partly segregated muscles, were then examined under a microscope, and we found in the center of them a change that resulted from the reduction in irrigation and supply of oxygen. Now, subsequently to the first experiment we now planned experiments on two groups of twelve - which were to test these new ideas. The course then took place as Professor Gebhardt described.

Q. You have heard various witnesses here, on whom experiments were carried out, and who show the damage that had been done on them. Are these damages to be traced back to the experiments themselves, or are they the result of therapeutic means that were taken surgically to reduce inflammation and to save the life of the patient?

A. I must say to that the following: In this third group, consisting of a total of twenty-four experimental subjects, there were serious inflammations; but then not all twenty-four were inflicted with these serious inflammations. No inflammation resulted in the four who received bacteria in association with the medicine and, as I remember, the inflammation in the case of the eight more was relatively unimportant. Again inflammation was

the size of a boil the size of a walnut. In the other twelve, however, the inflammation was more intense and in them there was a true picture of gas gangrene, or, at least, a very intense inflammation. From those who had been isolatedly inoculated, three died because the inflammation spread in such a way as to make it impossible for us to control it surgically. We had hoped through giving them rest and through preventive splitting of tissue, and by standing always on hand to control the infection, but the results were the same as in clinics frequently, namely the inflammation spread so rapidly that, in the case of the three persons experimented on, unavailing in saving their lives. In other case on the other hand, from this group of twelve we succeeded, to be sure, only through repeated opening of the tissue, and because we followed regular orthodox procedure with the point of view that the most important thing was saving the patient's life; and the next most important point was the preservation of the person's ability to move his member, and only in third order did we consider the cosmetic considerations, namely what the patient would look like.

Q How did this third experimental series terminate?

A Let me add that we also carried out blood transfusions and serum therapy, and in all cases after the inflammation spread we used sulfonamide. The series was terminated in this way: Professor Gehhardt had seen all these serious cases, had taken them under his immediate care. He had, through observation in the clinical course of the experiments, answered the cardinal question and had discovered that sulfonamides were not able to combat as a preventive such bacterial wound infections. For in the cases in which bacteria and sulfonamide had been injected into the wound simultaneously, this condition was an artificial one and would not have happened in actuality, because surgically inflicted wounds have smooth edges and there is no destruction of tissue around the

wound. For this reason it was possible in our experiments to have this therapeutic effect. However, actual war wounds are much different - the tissue is crushed, and so on. Thus the results could not be transferred to military medicine. Professor Gobhard was greatly upset, that contrary to our expectations that persons had died, and we were of the opinion that this question, no matter how responsible we felt toward military medicine, regarding the preventive effectiveness of sulfonamide would have to be answered in the negative.

Q You said that the experiment did not produce the expected results. But was not this result positive in the sense that, at least, it was a clarification of the question?

A Professors Brandt and Rostock have already testified here that clinical observations in medicine unfortunately do not always result in positive and useful conclusions, but that it is often the fate of the experimenter that the results he wishes to achieve are not attained, but that his negative discoveries contribute to medicine. We had demonstrated that the newest methods, even in their latest forms, were not able to control wound infections. In other words, that they could not be used as a preventive, and this was of great importance to the front line physician, because henceforth no physician could hope to conquer such wounds easily through sulfonamide, still hoping that they might, in some way, be effective, and thus hoping that he would be freed from the obligation to operate surgically.

Q Were the orders for these experiments drawn up by you, or were they given to you?

A I neither took part in the initiative in these experiments nor did I take part in drawing up the orders for these experiments. They were given to me.

Q The witness Broil-Pluter testified that in the choice of the experimental persons you participated, and that she had seen you choosing them. What do you have to say to that?

A The witness is in error. I never took part in the choice of the experimental subjects. I believe she must have confused me with someone else because she also said that she had seen me in the company of the commander and other officers of the camp in front of the prisoners' block. However, I never visited the prisoners' block and I met the commander only once in the company of Professor Gebhardt when the experiments were just beginning.

Q You carried out the changes of dressing in Ravensbruck. Did you also speak with the experimental persons?

A Yes, I did change their wound dressings, and I have already described how this took place. I also spoke at that time with the experimental subjects. There was, of course, the language difficulty but, nevertheless, we did exchange words rather frequently. I was very sorry for the experimental subjects. Above all, because they were not free; and I found myself in an uncomfortable position because I had the feeling that I had done them harm. I do not wish to minimize in any way the pain that they must have felt. They certainly were in pain. A[~] much pain as one has with an inflammatory disease; but whatever I could do to mitigate this pain I did, both as a human being and as a physician. At least, I attempted to. In changing these dressings and speaking to them briefly, I never had the impression that these were experimental persons who had been forced to participate in the experiments as has been stated here. The relations that I had with these persons were not essentially different from the relations that any physician has with his patients.

Q What was Dr. Oberheuser's position in connection with these experiments?

A I had not known Dr. Oberheuser previously to this. I saw her for the first time in Ravensbruck camp. She was really in the background there. I cannot recall precisely when it was, but at a later time she came to my attention. I knew of her - that she was in charge of the station, in which the experimental persons were kept after the operation and during their convalescence. Really, she had nothing to do with these experiments in the real sense of the word. She

took no active part in them, but when the experimental persons came to the dressing station she accompanied them, and so far as I am informed, previously examined the experimental subjects who had been chosen for the experiments by authorities in Camp and the RSHA. She told me in individual cases about these patients; that there were no objections on the basis of her physical examinations of these persons to their receiving an anesthesia, but this she was commanded to do by the resident physician and over and above that she did nothing that served these experiments in any way. She simply accompanied these patients to the dressing station, acted as a nurse during the changes of dressing, if I asked her to, and did various assistance of one sort or another during the inoculations, but it was of a completely subordinate nature such as holding the leg still or something of that sort. However, in the actual carrying out of the experiments she participated in no way. I had, in general, the impression that the experimental subjects liked it if Professor Oberheuser was present at the change of dressing, and it was a clinical rule of ours that we carried out a change of dressing on women always in the presence of other women, or another woman, and, for this reason also, it was pleasing to me that Dr. Oberheuser should be there playing an altogether passive role. She did not play an active role ever.

Q Did Dr. Oberheuser have anything to do with the choice of the experimental subjects so far as you can judge?

A So far as I can judge, no part whatsoever. She simply told me that she had given a physical examination, an X-ray to the persons chosen for the experiments. She had seen to it that they were bathed; that their temperatures were taken before; that the legs were shaved, and the other jobs that fall to a nurse, but she took no part in the choice of the experimental subjects beyond this, as far as I know.

Q Did you have the impression that Fraulein Dr. Oberheuser had a scientific interest in the experiments herself? Let me add that she is a specialist in venereal diseases.

A No, I never had the impression that she had a scientific interest in the experiments. She simply took part in them to the extent that she did it because the experimental persons belonged to the station of which she was in charge, and had to take care of them because of that. The therapeutical care of the venereal problems in the camp, which was her field, had, of course, nothing to do with these experiments.

Q Did any of the experimental persons complain to you about Dr. Oberhauser?

A No, that never happened. I have already mentioned that, on the contrary, I had the impression that the experimental subjects were happier to have Dr. Oberhauser present than the camp physicians. I had the impression that Dr. Oberhauser had a human contact with the prisoners in the camp, in the same way that a woman can speak more openly with a woman.

Q Did Fraulein Oberhauser have anything to do with the scientific evaluation of the results of the experiments?

A No, she had nothing to do with this either. That was a matter which Professor Gebhardt and I carried out alone. She did not take part in it, nor was she asked to by us.

Q Did she, in May of 1943, take part in the conference in which these sulfonamide preparations were reported on?

A No, she did not take part in it. That was a Wehrmacht matter, and she had nothing to do with it.

Q Did you yourself have any personal relations with the doctors in Ravensbrueck Concentration Camp, or with the other personnel there?

A No, no relations at all. I worked and lived entirely within the circle of Hohenlychen, and it was not a pleasant task for me to go over to Ravensbrueck. At Hohenlychen I had the same tasks I had had previous to when any of the experiments started-- ambulant patients and so on, and only between 2:00 and 4:00 in the afternoon, namely the time when there was a pause in our clinical work, did I have time to go over to Ravensbrueck. I have already stated that I was always announced beforehand. I simply changed the dressings, as ordered, and then returned immediately to Hohenlychen and to our clinic. I never had any personal touch with the personnel or the doctors at Ravensbrueck.

Q I come now to the Presocation's point that concerns itself with the experiments regarding bones muscle and nerve regeneration and transplantation of bones. Did you carry out these or similar experiments?

A No, I did not carry out such experiments. So far as such experiments

were carried out, they were carried out by Dr. Stumpfegger, and I shall speak later of the way in which I assisted him.

Q Did you know Dr. Stumpfegger personally, and what was his position at that time?

A Yes, I did know him. When I went to Hohenlychen in 1940, Dr. Stumpfegger was Chief Physician of the Clinic (Oberarzt), and had been so in peace time. He was considered one of the most skillful operators there. He was a very active and inconceivably industrious person. Then in the year 1941 he went to the front. I also know that his home town was the same as Himmler's, and that he was a very good friend of Himmler. The relations with Himmler were, as I heard, particularly characterized by the fact that he had become very early a member of the Youth Organization, that Himmler led, and that for various reasons Himmler thought very well of him and promoted his career. Since 1940 Stumpfegger's contact with the clinic was loose and became looser as time went on.

Q Did you know about his experiments exactly?

A No, I did not know of them precisely. I was present when after Stumpfegger returned from headquarters, Gebhardt called several of us together and told us that Stumpfegger had been commissioned with a job in Ravensbrueck by Himmler, and he told me that it was Stumpfegger's wish that I assist him. I always made efforts at that time to avoid being an assistant, and since it was Stumpfegger's inclination to do all this work alone, I succeeded in this case. We went over a couple of times in the same car, and while I was changing dressings in one room, Stumpfegger was carrying out his operations in the other operation

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room, the aseptic room. I knew only that he was dealing with the so-called osteogenic substance; he was attempting to prove that it existed in human tissue. I did not concern myself with his experiments further. It did happen at times when he was operating in one room and I was changing dressings in the other, that he asked me, via the camp physician or someone else, to come over to help him put on a plaster cast. Putting on this plaster cast took place after the operation, while he was carrying out a second operation, and took place in the plaster cast room, which was adjacent to the wound dressing room. I then did put on plaster casts on his patients, as he requested. I should mention that putting on plaster casts demands a special technique, if they are to fit well, and that we at Hohenlychen were of the opinion that we were particularly competent in this technique. I assume that it was for this reason that he asked me to put on the plaster casts, rather than someone else.

Q. The following question, Mr. President, relates to a document submitted by the prosecution, an affidavit on the part of Gustava Winkowska, Document NO-865, Prosecution Exhibit 231, in Document Book 10 of the Prosecution, English, page 72. In this affidavit it is asserted that the witness had seen you with a package that allegedly contained an amputated leg. What do you have to say to that?

A. I know nothing of the transportation of a leg within the framework of the experiments carried on at Ravensbrück. I did not carry out such an amputation nor do I know that anyone else did. The witness must be in error and I believe that the witness has already partly clarified this error on her part; namely, she confused the transportation of the amputated shoulder blade with this amputated leg. The witness was Dr. Maczka.

Q. What did the witness, Dr. Maczka, say about osteomyelitis?

A. I know nothing of a deliberate infection with osteomyelitis. I never deliberately infected osteomyelitis, nor do I know that anyone else did. However, in the cases, so far as I know, there were case histories in the course of the inoculations in that last third group in which the cortical

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parts of the leg became involved in the infection; since Dr. Jacske was in charge of the X-ray department and saw this change in the X-rays, I assume that what she is talking about is an osteomyelitis of this sort.

Q. I come now to the Ladice case, namely the transplantation of a shoulder blade in a patient in Hohenlychen. You have heard Dr. Gebhardt's testimony on the subject. Do you have anything to add to that testimony?

A. Yes, I do. This case appeared to me to be quite different from what Professor Gebhardt described it; but I believe that is because I saw it from a different perspective. Of the entire preceding discussion and of the problem I knew nothing. I must say something first in order to describe what my situation was. It was not infrequent in Hohenlychen, and no exception, if assistants were asked by the chiefs to carry out operations that were within Hohenlychen's special field in other hospitals nearby, namely, operations on limbs, let us say. In these operations it usually happened that the patient, on whom we were to operate, was prepared and of use by the hospital to which we went. He then went to the hospital in good faith and assumed that the situation, from a medical point of view, was perfectly on the up-and-up. This put severe strains on the work capacity of the individual assistants. Secondly, the problem of remobilizing limbs was a problem which was of concern in Hohenlychen and which was of particular concern to us at that time. At that time all of us gave much thought to how we could help out in this field. Professor Gebhardt had laid down the basic policy -- on the one hand the conservative method of exercise, in which the first chief physician, Schulze, helped him and on which he reported in the third meeting of the consulting physicians. He also worked with prostheses in connection with this problem; in fact it was all a part of it.

The above-mentioned Schultze, for example, developed a forearm prothesis through which he hoped to be able to develop a controllable or readily movable artificial hand, to be adjoined to the running stump of the forearm; and I myself was also working on artificial limbs for legs, where the danger of the legs collapsing under the patient was to be avoided by the intervention of an automatic or controllable breaking, and the remobilization of limbs was investigated from another point of view, namely, the plastic surgery, and Professor Gebhardt with his active surgical orientation turned particular to this approach. Gebhardt felt himself to be the pupil of his teacher, Lexer, at this specialty of Hohenlychen. Legs operated on are then provided with the necessary equipment to work independently again, but this also was no scientific solution, so that the search for other solutions continued, and in this search Gebhardt and others at the clinic turned to work that Professor Lexer had done after the First World War, at least that is the way he described it to me, namely, the free transplantation of limbs or part of limbs; and in Lexer's book the surgery of restoration and in the book on the free transplantation of limbs chapters are devoted to this subject. We in Hohenlychen had not carried out any such operations heretofore, and the assistants were allowed to pursue the problem of remobilization in their own way, and with their own approach. In the time after Christmas 1942, namely after the Ravenstruck experiments had already been concluded, and I had not been there for some time, Dr. Stumpfegger reappeared in Hohenlychen at the occasion of Himmler's Christmas visit, and in a way that I did not know about at the time the question of the free transplantation of a leg was discussed. We had the impression that Dr. Stumpfegger was the person who embraced this idea most enthusiastically. Then, as far as I remember, shortly before New Years there was the notice on the bulletin board, on which operations for the next day were announced, that the third or fourth operation on the next day would be the free transplantation of a shoulder blade, and in the way Lexer had described it in his book "Free Transplantation". Dr. Stumpfegger was assigned to this experiment and other assis-

tants, but I was not. I discussed this problem with the other members of the clinic. We discussed the prospect of the biological reaction to be expected. We also asked Dr. Stumpfegger from whence he was to take the shoulder blade and what the whole situation was, and he answered it was his intention to take the shoulder blade from a shoulder blade that did not function altogether perfectly because of the previous amputation of a hand. On the next morning I was in the operation room and in the adjacent operation room the Ladicz operation was being prepared. Ladicz then was wheeled in and the Chief Physician came in, started washing his hands and preparing himself for the operation. He then came into the operation room in which I was working and said that a change had become necessary, for which reason I would have to go to Ravensbruck immediately to get the shoulder blade. Stumpfegger would telephone so that everything would be ready when I got there. I saw that Ladicz was lying on the table and ready for the first incision, and it was necessary that this shoulder blade which was to be transplanted did not suffer any drop in temperature. I was given a container which would see to it that the shoulder blade did not cool off during the 10 or 12 minute journey. I then asked hastily what technique I should use and was told to use Dr. Lexer's technique, the diagonal cut across the shoulder blade. I then climbed into the car that stood outside, went to Ravensbruck, and found a patient prepared. The camp physicians had already washed and dressed for the operation. I took off my second surgical apron, washed myself, tried out the incision as told by Lexer, cut out the shoulder blade with my own instruments, which I had brought along, stopped the flow of blood, then turned the patient over to the camp physician. Then I put the shoulder blade in a sterile container, put the whole thing into the container I had brought along, which had a temperature of 38 degrees, and returned to Hohenlychen as rapidly as possible. I then gave the shoulder blade to Dr. Stumpfegger, who had now got the patient to the point where it could be inserted.

Q. There was a mistake in the interpretation to the extent that the interpreter said, "Transplantation of a leg was discussed", but you did

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not make any such statement, did you?

A. No, I did not.

THE MARSHAL: The Tribunal is again in session.

BY DR. SEIDL:

Q When and where did you work on the results of these experiments?

A That was during the months of January and February, 1943. I was called to Berlin to the State library in order to evaluate the results of these experiments. I also went to the pathological institute of the Rudolf Virchow Hospital in Berlin. During these two months I worked on the evaluation of the results of these experiments.

Q Then together with Professor Dr. Gebhardt you attended the Third Meeting at Berlin, May 1943, at the Military Medical Academy? You heard the testimony of Professor Dr. Gebhardt regarding that point, and I am asking you whether you have anything to add to his statements regarding that point.

A With reference to the results of these experiments, I should like to say the following: the scientifically uncomplicated question, as it came up through the medical situation has already been dealt with in the previous description of the experiments. We saw there was a wish and the hope to get a drug, with which one could treat wound infections from the start and could prevent any development, but this was not accomplished. In order to give an answer to that question, we tried to find out as quickly as possible.

Professor Gebhardt and I believed that this answer would be of great benefit to troop physicians and surgeons at the front. Secondly, the problem of sulfonamids was not exhausted with the answer to that question; the problem was much more difficult.

In addition, we could find an answer to yet another question. One group of the research workers, the bacteriologists and chemists, had found out that all micro-organisms as they belonged to plants were bacteria, and these bacteria all reacted to sulfanilamide. That is something that does not originate from us, but was a statement we knew of. Spirochaetes and protozoa were not sensitive to sulfanilamides, and we didn't find that out either.

It was to be expected that those diseases, which were caused by bacteria, would give us a certain amount of chance to be influenced favorably by the introduction of sulfanilamide. The clinical observation from all fields

of clinical science taught us, however, that that was not so. We saw symptoms of diseases where the curative effect of sulfanilamide was extraordinary, and, unfortunately, we had to observe that there were other diseases and other clinical experiences confirmed that, where we saw no effects whatsoever.

Originally it was thought to explain this difference in effect to a difference in the cultures, the bacteria cultures; but there were various symptoms of diseases which showed that the reason cannot be alone in the bacteriological difference, but that other factors played a role, too.

As a test case for this conception, we saw the symptoms of gonorrhea which once comes out as gonorrhea acuta anterior, and where we saw the good curative effects, and which on the other hand, was completely resistant to sulfonamide if the same virus showed their origin in the limb or in the prostate.

Through our observations, and through these experiments, we thought that we had found an explanation for that, together with other clinical conclusions, which we arrived at. We could prove that inflammatory diseases caused by bacteria can be cured by sulfonamides when the inflammatory process is going on in such a manner that sulfonamide is brought to the virus by way of the blood. However, we found that any success cannot be achieved, when the same virus, the same type of infection, would show its infection in the way of an abscess, so that the sulfonamide cannot be applied to that local area by way of the blood.

In other words, the therapeutical effect can not always depend on the difference in the bacteriological cultures, but that they are structural conditions of the tissues; sometimes we call them morphological conditions, and that these conditions could also be the cause for the failure of the sulfonamide. We could prove that the connection between the inflammatory area and the negrose, we could find out in that case there is no blood channel between the abscess and the tissues. This was next to the military technical result, the second result of a scientific nature. We on our own initiative continued to develop that thought. We were not in a position to draw any conclusions from that, and I know that was also the motive of Professor Gebhardt, because we wanted to free ourselves under all circumstances from the obligation to carry out any further experiments. That is why we only carried out these experiments on dead tissue of plants. The idea was that was that we said to ourselves that if there can be no therapeutical effect in the case of abscesses, because the sulfonamide cannot penetrate the center of that abscess, since there is no blood channel, then the next thing would be to consider how to overcome these limits therapeutically in order to apply the necessary concentration of that drug, even into the inside of the abscess; and at that time we developed the thought of the so-called jodophoresis, whereby we used electrical current in order to penetrate the limits of the tissues therapeutically by way of current. During that third meeting only the first two points were discussed. Professor Gebhardt, in his introductory words, as far as I remember, spoke in the same way as he spoke here. In an affidavit at one time I expressed that as far as I remember he had spoken of the political responsibility. I cannot maintain that assertion. I think it was true as he stated it here. He said at first that he was carrying out these experiments by order of Himmler and Hitler and that we were concerned with people who had been condemned to death, who thereby would get a chance of being pardoned. Whether the concentration camp was mentioned, whether the name of the concentration camp was expressed would become a question under discussion here. I shall now endeavor to remember that, and I am not in a position to say for certain whether he

expressed the name of the camp or not. I do not want to make any certain assertion here or answer that he did not mention the voluntary nature. He did not say we were concerned with voluntary experimental subjects. During personal conversations with me I learned that he could not believe in the full ethical voluntary nature, and that he, therefore, didn't want to mention that question.

On the basis of the fever charts and a collective chart in the course of the experiments which have been demonstrated, it resulted therefrom that in the case of fifteen patients no symptoms occurred, and that in the case of thirty-six, only local disease symptoms occurred, and therefore, these two groups are only mentioned very shortly, and the results were demonstrated in collective curves. In greater detail the other 24 were discussed, that is as far as it was necessary, in order to evaluate the results. I should like to state that this is the group which Professor Rostock remembered when he was speaking about a group amounting to approximately 20 persons. From these charts, it could also be seen that 12 persons from these 24 only showed local diseases which were not dangerous, the chart showing furthermore that three patients died, and we could further see from the fever chart how their temperature progressed and what kind of treatment was used, namely, whether sulfanilamide was introduced by way of the blood or whether it was introduced locally. It could also be seen whenever a change of dressing took place. These matters were only demonstrated during that group of twenty-four where the progress was more difficult. I made this clinical report after Professor Gebhardt's introduction and then Professor Gebhardt again spoke and summarized the report. He pointed to the practical evaluation and thereupon a discussion followed. I heard no critical utterances during that discussion. I heard no critical objections at all during the course of the entire meeting. I can make no statement how the final report was compiled in which the directives were contained. I can only say afterwards and that in reference to the objection of the Prosecution with reference to the evaluation of the results within the directives, that a certain psychological or medical therapy has to be taken into consideration. The physician and medicine in

no country of the world can dispense with therapeutic treatment even when it is not very clear about its effectiveness. There is a Latin Proverb, "Ut aliqui fiat" which means that something happened, and up to today this is the prompting factor of any therapeutical treatment. Therapeutics have to be used also when one is not quite convinced in what manner and to what extent it would cure. If at that time we have learned, and I think it will show clearly, is an absolutely preventative drug, then in the first sentence of the directive it would have say: "Under all circumstances in the case of every wound sulfanilimide has to be introduced." That would have given us an absolutely clear directive. In that case, however, where the result was by no means so clear and where it was shown sulfanilimide cannot always act as a preventative drug, this result was fully copied and from the results of the experiments in the first paragraph.

In spite of that physicians should not have concluded from that any prohibition of the use of sulfanilimide. That would have lead to a great disagreement in all circles of physicians and would have shaken the confidence in any physician. The situation was then even in a case where the limited effectiveness of sulfanilimide was clearly shown, and especially with reference to wound infections, that in spite of that the mechanical therapeutical treatment was suggested to the practicing physician as an additional treatment, but in addition by way of a certain drug he had to be told that he considered giving this mechanical, therapeutical treatment his full confidence, but that was merely an additional kind of treatment, in addition to the right main surgical treatment.

Q. In that case it was completely clear to the Troop physician, who acted in accord with these directives, that the surgical treatment must always be in the foreground of his measures, and that there is only a chemical therapeutical way of treatment in the use of sulfonamides?

A. Yes, that is correct. In that way it was expressed that surgical therapy was the fundamental therapy and he was by no means prohibited to use chemical therapeutical treatment but it was merely suggested to him that he may use it as an additional means of treatment.

Q. On 27 January 1947 you made an affidavit which I have submitted here as Gebhardt Exhibit No. 8. Is it correct to say that in this affidavit everything is summarized in a concise form which was considered to be the scientific result of these experiments at that time?

A. Yes, that is correct.

Q. I now turn to your career within the Waffen-SS. What were the ranks which you held within the Waffen-SS and at what time did you hold them?

A. I entered as a reserve man, as an SS man. That is, private in the SS. After a period of training I was promoted to Untersturmfuehrer by reason of being a physician. In November 1941 I was promoted to an Obersturmfuehrer in Russia and then, according to my age and according to my position as a physician, I was promoted to Stabsarzt at the end of 1942, as Captain in the Medical Corps, which was the main job. I was active during the last years holding that rank and then had a position with the Tenth SS-Panzer Division Frunsberg in accordance with that rank. After being wounded I was promoted by suggestion of Professor Gebhardt to Sturmbannfuehrer. As Sturmbannfuehrer I held no real office but transferred to civilian service after leaving the hospital and as such had no SS service relationship whatsoever.

Q. Did you gain any advantages from being with the SS?

A. I received no money from the SS. I received no pay from them

either. During the entire War I was paid from the Rudolf Virchow Hospital in Berlin as a City employee and that up to the last day of the War.

Q. Did you at any time have any political tasks in the SS or in the Party?

A. I had nothing at all to do with the Party. I never attended any Party meeting or any of their functions. I was never very clear about my party membership and only here during an interrogation did I hear that I had a certain number as a Party member. Before that I had not known that. I only had the task in the Waffen-SS which came to me as a physician and I was never obliged to fulfill any political tasks whatsoever.

Q. You are one of twenty-three defendants. Which one of the other defendants did you personally know in July 1942?

A. In July 1942 I knew Dr. Genzken, the Chief of the Medical Service of the Waffen-SS. I don't know whether he knew me. And, I also knew Professor Gebhardt. I knew no other of the defendants.

Q. I think a mistake was made. I asked you about the year of 1942. I think it was translated 1943.

A. Yes.

Q. I was speaking about the beginning of the experiments.

A. Yes, before the beginning of the experiments I only knew Dr. Genzken and Gebhardt.

Q. Mr. President, the next question refers to two affidavits which were presented by the Prosecution and which originated from the defendant Dr. Fischer himself. They are contained in Document Book 10. The first is the affidavit dated 19 November 1945, Document NO-228, Exhibit 206, which is on page 1 of the English Document Book No. 10. The second affidavit also originates from the defendant Dr. Fischer from 21 October 1946, NO-472, Exhibit 234, which can be found in the English Document Book 10, page 96. You know the contents of these two affidavits and I am now asking you whether you have to make a statement and explanation with reference to the contents of these two affidavits?

1 The affidavit dated the 19th November, 1945, was made here in Nurnberg. It was taken down and signed by me in the English language. Before signing this affidavit I read it and signed it and recognized it. However, I did not choose the formulation of the affidavit. It was presented to me in that manner. This affidavit was based on preceding interrogations which were also held in Nurnberg during the months of September and October. These interrogations, in turn, were preceded by a series of first interrogations which were made in the British Zone by the British CIC. This was done by a female official in the British Zone. She was the very first one who interrogated me with reference to this entire complex of questions. In order to supplement my own statements she showed me the entire testimonies to that point and told me that these were the statements made by Professor Gebhardt. All this happened after the collapse and everything that was connected with it. It was the first time that I again heard of all these events and it was the first time when I had to try to reconstruct the entire events as they took place at that time. That is how it is that I feel obliged now to withdraw the various points which I made at that time because I am not in a clear position to remember exactly what was written down and what was said at that time. The female official who, at that time, conducted the interrogation and who knew a certain number things about the situation in Ravensbrueck is Mr. Carmen Morey who was in the defendants' dock when the Concentration Camp Ravensbrueck was on trial. I had already mentioned before that I cannot say, with certainty, that he said something about a political responsibility-that is, Professor Gebhardt - when making his introductory speech at the Congress. I further say that I cannot remember that we were concerned with people who had been condemned to death and who had come from a concentration camp. In the same manner I have to correct myself with reference to a correspondence which, according to my statement, was carried on between Professor Gebhardt and Professor Mrugowsky. At that time I made statements according to my best knowledge. I know that there was correspondence between Hohenlychen and the Hygienic Institute of the Waffen-SS with reference to the cultures which had to be furnished.

As far as I remember, I saw a signature at that time and I believed that was Professor Krugowsky's signature. I have now here seen the signature of Professor Krugowsky and this signature, compared with the other signature, differs. So this, of course, made me doubt my original statement, and I cannot now make any exact statement about it. With reference to the second affidavit dated the 21st of October 1946, this affidavit was preceded by an interrogation which was conducted in English without the aid of an interpreter. I tried very hard to answer the questions and to follow the proceedings. I was of the opinion at that time that I succeeded in expressing myself clearly in the basical questions. The interrogation took place on the 12th of October. On the 21st of October a formulated affidavit was presented to me which referred to the preceding interrogation. I asked the gentleman who presented this affidavit to me to remove some obvious misunderstandings. He was of the opinion, in the case of some of them, however, that I had actually expressed myself in that manner during the preceding interrogation and he assured me, at that time, that at a later date I should have the opportunity to give an explanation in regard to these matters. At that time I said -and this is most important - that according to my information the experiments had to be done in the interest and in the service of the German Wehrmacht and he concluded from that the sentence which I withdrew from a later affidavit also to the effect that there experiment was an order which emanated from the Chief of the Wehrmacht Medical Service, Professor Handloser. I should like to correct that once more. It was only my intention to express what I was told in the year of 1942; namely, that we were concerned with a matter which was for the service of the German Wehrmacht. With reference to one point, I think that he was erroneous and I think that was the point where I say that Professor Handloser and Professor Brandt were guests at Hohenlychen at the occasion of the Tenth Anniversary. I am quite clear in my mind now that I was mistaken at that time and that I was thinking of the Fourth Meeting of the Consulting Physicians. When the affidavit was presented to me, I also asked that one sentence be struck where it was mentioned that Professor Schroeder had attended the Third Meeting. I succeeded in getting these passages struck out temporarily, but afterwards it was put to

me that I had said that the Chief of the Medical Services or his representative had been present and Professor Schroeder was considered to have been his representative and that is how this sentence remained in the affidavit. In the same way a sentence had already been readily formulated from which it could be concluded that Professor Poppendick had been present as far as I remember and that Professor Poppendick had the position of a chief of staff with Dr. Grawitz. This formulation was there but I actually did not know Dr. Poppendick. I didn't know his position. I only knew that he was an Oberfuhrer-held the rank of Colonel - and worked with Grawitz, and I therefore assumed that the formulation, as it was presented by the prosecution, was correct. With reference to the presence of Professor Gonzken, I should like to say the following. As far as I remember, - it is very difficult to remember because many people were there - I think Professor Gonzken was one of those present. However, I am in no position to be very decisive about it - affirm it or deny it. The picture is far too vague to do that. Since it results from the testimony of the witnesses that Professor Gonzken was in Karlsbad, I cannot maintain my assertion with reference to his presence.

Q. What did you do after leaving Berlin and Hohenlychen after this meeting in May 1943?

A. During that entire period I had always volunteered for service with a division. Dr. Gebhardt had told me that immediately after my participation in that meeting during which our experiments had to be reported I would be transferred to a division. On the following day I transferred to the 10th Panzer Division and I assumed the position of a first surgeon in a medical company with that division. I was active for a year and a half with that division, until, in August, 1944, I had to go back into the home country because of being wounded. I spent three months in the hospital and, since I was no longer in a position to exercise the profession of a surgeon, I had to retrain and went as an assistant to the Charite at Berlin at the institute for X-ray and radio and, up until the collapse, I was active in that institute.

Q. Did you every enter any camp after the experiments in Ravensbrueck in the year of 1942?

A. No, I later never entered any concentration camp.

DR. SEIDL: Mr. President, I have one more question to put to the witness. A question the answer to which will take some time, and I ask for permission that I may put this concluding question after the mid-day recess.

THE PRESIDENT: The Tribunal will now be in recess until 1:30 o'clock.

(... recess was taken until 1330 hours - 11 March 1947.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 11 March 1947.)

THE MARSHAL: Persons in the courtroom will please find their seats.
The Tribunal is again in session.

FRITZ FISCHER - Resumed

DIRECT EXAMINATION (Continued)

BY DR. SEIDL:

Q. Witness, during the last months you have experienced during this trial, what went on during the trial, you heard the indictment and have now described your participation in these experiments. I ask you now to tell the court what - after the prosecution has presented its case and after you have made your own statement - what you have to say about the subject of the indictment, so far as it concerns yourself.

A. First of all, I regret that fate compelled me as a physician to offend against the basic principles of medicine, and I regret that men are appearing to testify against me, that I did not help them but did them injury. Further, I particularly regret that these persons were women. I have learned that a deed, if it is committed and later is adjudged, must be adjudged according to the motives and the circumstances that surrounded it. That the motive that lay behind the activities for which I am here on trial was exclusively that of helping wounded persons. In that uniquely difficult period I wanted to help the millions of wounded persons. The act was committed by me as an obedient member of the German armed forces. The belief and confidence in the legal jurisdiction of the state and the Fuehrer seemed to me to provide legal protection and justification for what I did. This is in reference to what I said previously about individual responsibility.

During this time in which my people were fighting for their very life, in a period when the final decisions were about to be reached, I believed I was not a member of the resistance movement and that the state had the right to take measures that lay beyond the competence of the individual. In that time when 1500 persons were falling daily on the front and in which

several hundred died daily in the homeland as a result of the war, this obedience to the state seemed to me the highest ethical duty. I was of the opinion that the experimental subjects who stood under German law and faced certain death were being offered a human opportunity to save their lives, and I believe that under such circumstances I would have seized on such a chance myself.

These actions took place not in 1947 but in 1942, during the war, at the very height of the war. At that time in my conclusions I was not a free civilian physician but I was - this is the way I felt - that I was, as I say, a medical specialist who acted only as a soldier with the duty of obedience. When I received these orders which were antagonistic to my inner feelings, I found myself confronted with a gigantic authority. This authority was the state, represented by Hitler and, on the other hand, and in supplementation to that, a medical authority that had an international reputation. This authority, namely, Dr. Gebhardt, whose life work I knew, was a person who inspired me with confidence. If he decided to carry out these experiments as necessary experiments, then perforce I must believe that they were necessary and I was also told by him that in the life of the human being, and in the life of a nation, situations arise in which the individual is under obligation to stifle his inner objections in the interests of the community.

I cannot believe, even today, that his were motives other than those under which soldiers act on the front when under orders they committed acts which as independent agents they would never have committed, and which were against their innermost and personal feelings. I believe that the situation is analogous. I believe that my situation was the same at the time, the same situation in which the individual soldier fires a torpedo against a ship and another soldier is under orders to drop bombs on an unprotected city. Here again I cannot believe that they are individuals who are acting in accordance with their individual instincts. Rather I know that they too had to overcome their innermost objections and felt themselves to be justified in what they were doing through the fact that

they were acting under military orders. And, secondly, through the feeling and persuasion that through this act they were in a larger sense acting ethically, namely, to the extent that they were contributing to the victory of their own people and nation. The more extended discussion regarding what is permissible and what not cannot, in my opinion, be expected of a subordinate. Rather, those in charge must decide on such matters.

During the war I had the experience that this form of obedience or rather obedience in general was not a specifically German phenomenon but that it was characteristic also of the nations with which we were at war. To what extent differences arose in the interpretation of this point, I do not know, but these gigantic authorities, the State, with its soldierly sense and demand for obedience and, on the other hand, the personality and medical authority of Gebhardt were the reasons that placed me before the alternative either of disobedience in the war or obedience. And faced with this alternative I saw disobedience as the worse one.

Today one sees other aspects; among other things one sees that these basic requirements in which we believed have proved today to be empty; and one sees that many of the men who were leaders at that time and to whom we looked up, even at that time had misgivings and did not see authority in the same way as we subordinates did. At that time I did not know this and could not know it. The basic evil in the whole occurrence lies, as I see it today, in the sanctioning of war, for so, since in war, law is perverted and distorted; the law under which mankind stands is perverted to its antitheses and so it happens that in the breast of the individual, the law of peace conflicts with the law of war, according to which he must be obedient. I belonged to a youth that believed in the duty of the individual to the State. We at that time were ready to conquer the fear that we felt as human beings, as creatures, to overcome our inner weaknesses and to put into the background all the hopes and plans that we had for the betterment of mankind and to place in the forefront our desires as medical men to assist mankind. In other words, we accepted the law of the community instead of the law of the individual, and it is through this that we came into the unfortunate situation which we now find ourselves. I simply wish to emphasize that what happened did not happen on the motive of cruelty or any such base motives, but that it happened exclusively and only in order, within the framework of our State, to serve this State and its citizens. Now that this war is passed, I myself have only the wish that it may be the last one so that at last mankind may have the opportunity to do away with war, once and for all, and to pursue the law of the individual in peace, for the betterment of all.

DR. SEIDL: Mr. President, I have no further questions.

THE PRESIDENT: Are there any questions to be propounded to the witness by defense counsel?

BY DR. FLEMING (Counsel for the Defendant Mrugowsky):

Q. Dr. Fischer, this morning, at the conclusion of your testimony, you said that you could not say for certain that the letter which you mentioned in your affidavit, from Mrugowsky, had really been written by Mrugowsky. In order to clarify this fact, I should like to ascertain the time when this letter was written. For this purpose I ask you to reply to the following questions. In the experiments on human beings, were little pieces of glass

or wood used?

A. No.

Q. When were such little fragments used for the first time - in the first or the second series?

A. In the month of August, in the case of the first series.

Q. The first group of women was on the 1st of August. The next group was on the 14th of August. And it was at these times that they were operated on?

A. You cannot say that so precisely, because they overlapped a bit.

Q. When were these little splinters used for the first time?

A. At the beginning of August.

Q. Co-defendant Genzken said in the witness box that Mrugowsky was not in Berlin from June to the end of August, but on official trips. Do you recall that?

A. Yes, I do.

Q. Accordingly, a letter written at the beginning of August, in Berlin, could not have been written by Mrugowsky. If that is not the case, if the letter is not from Mrugowsky, do you have any reason to believe that Mrugowsky knew anything of the sulfonamide experiments?

A. No. What I know I have already attempted to say. So far as I remember, Professor Gebhardt spoke to me of a letter from the Hygienic Institute, or it could have been from Mrugowsky's Institute. It is too difficult for me not to clarify that here. I have no other reason to believe in Mrugowsky's participation or knowledge of these experiments.

Q. I have now another point. You recall that the witness, Woolblata, testified that Veronika had died of tetanus. Professor Gebhardt has already testified that tetanus bacilli were not used. What do you know about this?

A. I know for sure that we did not use any tetanus bacilli.

Q. Did Veronika Kraska...was she operated on simultaneously with other girls?

A. Yes.

Q. And none of the others had tetanus symptoms?

A. That is right.

Q. Were they all inoculated with the same bacteria?

A. Yes.

Q. Then in the case of Veronika Kraska, if tetanus did occur, it could only

have been a spontaneous infection?

A. Yes, that is so.

DR. FLEMING: I have no further questions.

THE PRESIDENT: Are there any other questions on the part of defense counsel? If not, the Prosecution may cross-examine.

CROSS-EXAMINATION

BY MR. HARDY:

Q. Dr. Fischer, in the course of this cross-examination I want you to limit your answers to the questions I ask and I am sure we will proceed much more rapidly. I also do not think it is necessary for me to warn you that you are under oath. Now we will proceed.

You first received orders concerning experiments on human beings in the Ravensbrueck concentration camp in July 1942, is that correct?

A. Yes, that is correct.

Q. These orders originated from Dr. Gebhardt, didn't they?

A. I received these orders from Dr. Gebhardt, yes.

Q. Now the purpose of the proposed experiments was to determine the effectiveness of sulfonamide, wasn't it?

A. Yes, the effectiveness of individual sulfonamide preparations.

Q. Now this matter was of considerable importance to military medical circles, I presume?

A. Yes.

Q. Many soldiers in the battlefields were victims of gangrene, weren't they?

A. Yes, that is so.

Q. Now, then, Dr. Fischer, wasn't it your understanding that these experiments were primarily for the benefit of the Wehrmacht?

A. Mr. Prosecutor, are you asking me about my personal opinion, or what Professor Gebhardt told me in the course of giving me the orders?

Q. I am asking you what your understanding was.

A. At that time I believed that it was a problem which concerned the entire German Wehrmacht.

Q. Didn't Dr. Gebhardt tell you at that time that the medical services of the Wehrmacht had made a report about the miraculous effect of sulfonamide in the

1942 meeting in Berlin?

A. No, in that concise form he did not. He merely told me that this was a problem for the armed forces and that this problem had not yet been decided by him personally in all its details.

Q. Professor Gebhardt actually went on further to state, didn't he, that the Wehrmacht should have made these experiments itself but that he was ordered to conduct them?

A. Gebhardt told me then that the Wehrmacht was also making efforts to clarify this matter but that he had received from Hitler and Himmler the order to take them up himself.

Q. Don't you recall, Dr. Fischer, in the course of one of the many interrogations in which you and I had chats, that you were told that these experiments were for the benefit of the Wehrmacht? I am not asking you your understanding now. I believe you told me some time last fall that you were told by Gebhardt that these experiments were for the benefit of the Wehrmacht. Didn't you tell me that?

A. I believe you are referring to the interrogation which has already been brought up here. I said at that time and I say it today, that I had the feeling from Dr. Gebhardt that this was a task to be carried out in the interests of the German Wehrmacht.

Q. In fact the interrogation that I am referring to is not one that was conducted by Mr. Meyer; it is one conducted by Mr. McHaney and me, in which you stated that Gebhardt told you, and I will quote, "that this is an order from the Chief of State, the Wehrmacht, and the Chief of the Medical Office of the State." Do you recall telling us that?

A Yes, this in on the 12th of October, 1946. That was the interrogation in which I was about to speak English to you, and certainly this sentence was preceded by something, namely, my attempt to explain that this was an experiment under the formation of the Wehrmacht. Since my vocabulary in English was so limited I could only in the further course of this interrogation formulate the matter as I did in the interrogation, but I must say here that a precise order from Handloser or his predecessor, as Chief Medical Inspector of the Wehrmacht, that might have been given to Gebhardt, I was not informed of it.

Q Now, the Heydrich matter was never called to your attention, was it?

A Gebhardt told me nothing about the Heydrich affair. I heard about it only here in Nurnberg.

Q Now, Gebhardt told you that the persons to be used in the experiments were concentration camp inmates who had been condemned to death?

A That is true.

Q Did you ever discuss the legality of using concentration camp inmates who had been condemned to death for such experiments?

A How am I to understand or construe this verb "discussed?" Whether I spoke with Gebhardt about it or challenged this position? I ask you to please report the question.

Q I will rephrase my question. Did you ever discuss the legality, that is did you or Gebhardt ever have a discussion whether or not such experimentation on concentration camp inmates was proper under the law?

A When I received this order I asked Professor Gebhardt not to appoint me to take part in it, but then Gebhardt assured me that these were legal matters which had the permission from the State, the orders which came from above and which I had to carry out. I must here refer to something I tried to say previously in my testimony, we were in the midst of the War in situations in which the individual if he found himself in a clear legal position, such as I found myself, since I was under the immediate orders of my superior and in which we could not discuss the matter any further, then what orders were, because it was our duty simply to obey and

to do what we were told to.

Q Now, do you think Dr. Fischer, that it is permissible to experiment on persons condemned to death without their consent?

A Mr. Prosecutor, you ask me not as Dr. Fischer, and as Fischer the person, this question. I acted at that time as the soldier Fischer, and in the situation that prevailed at that time many things occurred that I, as an individual did not understand and did not approve or, and consequently I can give you two answers to this question, depending on in what capacity I am answering.

Q Well, now as a doctor and a person do you think it is permissible to experiment on persons condemned to death without their consent?

A I hope that the time will sometime come in which men can act only and exclusively according to the law that rules in their heart. In the European state of affairs I should not carry out such experiments, but we all know that unfortunately, at least in the year 1942, there were situations in which the individual could not obey only his inner laws, but was subject to a higher command and a higher community, nor did his subordinate have an opportunity to argue along these lines. It was his higher duty simply to obey; and I have decided to point out to a similar and parallel situation, namely that which the soldier was confronted with, and I want to tell you the physician was confronted with the same situation. I know from many soldiers whom I know in my battalion and from others in the course of the War, they had to commit acts which they as individuals regretted, and which they as individuals would never have committed on their own initiative.

Q Dr. Fischer, if I understand you correctly, as a doctor, that is disassociating yourself from the position as a soldier, you do not think it permissible to experiment on persons condemned to death without their consent, is that your impression?

Q Mr. Prosecutor, you are forcing me to say something which I argued against previously. As an individual in a free state I would not do that, but in such a vast event as a War the individual did not have an opportunity to fall from the ways of the State, or criticize them. There were situations in which the individual was compelled to subordinate himself.

I am fully persuaded that not every aviator that dropped a bomb, would not have dropped that bomb, had he been a free acting agent. His General had ordered him to drop this bomb, had told him "this is a duty you have to fulfill, you are not to question it. You are simply to be obedient," and I donot know whether you are being entirely just to a man if you leave out of consideration or minimize this process which goes on in an individual. So if you ask me again I must say again as an individual and physician I should not have done it.

Q You can recall the Polish girls having testified here they never consented to being experimented on; do you know of any of these subjects who gave their consent?

A No, I cannot give you a precise affirmative answer.

Q Have you ever talked to any of these girls prior to the experiments?

A No, I spoke to none of them before the experiment.

Q As I understand from your testimony all of these girls were under anesthesia when you arrived to perform the operations, is that right?

A When I entered the operation room they were already under anesthesia.

Q Didn't any of these girls ever come out of the anesthesia and ask why did you do this to me?

A Mr. Prosecutor, I have already told you in the course of my testimony how these things went on, and I also told my own counsel how these patients behaved. No such questions were asked of me by an experimental subject. I was as considerate as possible towards these Polish women. I was very sorry for all of them, nor did I make any efforts to conceal that fact. But actual resistance on their part so I could conclude they were being forced, that I did not observe. I did not concern myself with these matters any further for reasons that you will understand, than it was necessary for me to carry out the orders that I had received.

Q You say it wasn't apparent that these girls had been forced into these experiments; would you say then they were all happy they had been operated on?

A Mr. Prosecutor, you are turning my words to a false construction. I did not say that. I spoke of the concern I felt, the concern I felt for the pain they were feeling was much too great for me to be able to make any such statement.

Q Dr. Fischer, are you aware of what crimes these girls had committed at that time?

A I cannot answer that concisely, but before the end of the War I know that they were members of the resistance movement. That I found out before the War was over, because in Hoholychen later a member of the resistance movement turned up and acted as a technical assistant. In this way I found out that they were members of this resistance movement.

Q Do you know whether or not they had been tried?

A No, I donot. When I received the orders Professor Gebhardt told me that they had been condemned to death, but I never discussed this with any of the girls before I stood before this court.

Q Do you know where and how under German laws death sentences were executed?

A I can tell you nothing very exact about that.

Q. Do you maintain here, Dr. Fischer, that if these girls had been subjugated to these experiments, instead of being executed, the sentences would be reduced and they would be saved; did you know how German law could execute a pardon or a release of persons condemned to death if they were subjected to a medical experiment?

A. I am now being asked about matters that were outside my competence and vision at that time. Of course, I know nothing about these matters, rather at that time I had the much less complicated notion and believed that these questions lay within the competence of the state in whose legality I believed. It was frequently told me that my participation was as an assistant, my participation was solely that as an assistant and it was not my function to analyze the legal situation. This was entirely outside my assignment. I believe I must protest if you want to subject me to the duty to know whether my action was legal. If I had undertaken these experiments on my own initiative it would be different, but of course that was not the case. My task was strictly limited like the task of any soldier who receives an order.

Q. Now, Doctor, is it true that these girls after having undergone the experiments were shot?

A. Of that I know nothing, Mr. Prosecutor.

Q. Now, we have introduced evidence here that these girls were not pardoned. Miss Szupulska, in her affidavit, which is Document No. 873, page 52 of Document Book No. 10 stated: "On January 23rd two Polish girls, who were operated on, were shot."

Also you will recall that the witness Wadzka stated on page 1449 in the official transcript of this trial that six girls, who were operated on were shot; furthermore she stated that the plan, as laid in the Concentration Camp Ravensbruck was to wipe out, completely annihilate every girl who had undergone the Gebhardt and Fischer experiments; that does not appear that they had any intention of pardoning the girls or reducing the sentence to that of a life sentence; does it?

A. I did not hear your remarks as a question, but rather as a statement, I heard of the situation through the prosecutor's evidence here

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submitted. I can assure you that at that time I knew nothing either of the shooting of the shooting or of the subsequent intention to exterminate them.

Q. In other words, you operated on these girls who had been condemned to death and it was expressed to you that such girls would receive their lives as a reward for being subjugated to these experiments and then you did not inquire as to the eventual outcome; did you?

A. I followed the only possible path; to whom should I then have turned? In my communications and reports, I turned only to Professor Gebhardt and I thought also that this was the most effective way because he was in a position to speak to the higher competent authority if necessary.

Q. That follows, Dr. Fischer, that you acted blindly on the orders of Gebhardt; is that right?

A. In this case I deliberately relinquished any initiative of my own and acted as Gebhardt's subordinate; that is true.

Q. Do you mean to tell me that merely because you were a military man at this time, if Gebhardt told you to go jump in the lake you would have done so?

A. Mr. Prosecutor, I was an obedient soldier.

Q. Alright; now Dr. Fischer who selected the subjects to be used for these experiments?

A. I was never present when they were chosen and can tell you nothing precise about it.

Q. Then the Camp Commander at Ravensbruck or the Medical Officers in the camp must have selected the subjects; did they not?

A. No, on the basis of my knowledge of the situation at the camp, I believe that the Camp Commander was told my higher officers, and I believe Gebhardt told me it was the R.S.H.A., who chose the list which was handed to him of the chosen persons and that the medical authorities of the camp, the camp physician or his deputy were simply to carry out the physical examination of these people.

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Q. Well, now, isn't it true from the affidavits and evidence submitted here that Schiedlawsky, who was chief medical officer at that time, selected the inmates to be used; Schiedlawsky and his assistant, Camp Doctor Oberhauser?

A. I do not believe that that is the case, nor do I believe that that can be seen in the affidavits which have been here submitted. It seems to me that some authority above the camp made the choice of at least nominating those to be chosen.

Q. Now, Doctor, there were several girls in the camp; how does it happen that Wozz Plata was selected? Someone must have picked her out to be the only experimental subject out of several hundred; who selected the girls that were used?

A. You are asking me to reply to a question to which I cannot reply.

Q. Now, these experimental subjects were allegedly given a medical examination prior to the operation; is that correct?

A. Yes, as far as I am informed that is true.

Q. Do you recall one of the witnesses here, I cannot state which girl off hand it was, who stated she did not receive a medical examination; she merely walked by Oberhauser and Oberhauser approved of her being used as an experiment; do you recall that, Doctor?

A. Yes, I remember that.

Q. In other words, you never concerned yourself with the selection of the people to be used as experiments or any of the pre-operative examination; did you?

A. I did not take part in those examinations. Mr. Prosecutor, I already indicated earlier that I received this order in addition to my regular work in the clinic, therefore, when I first came to the Camp Ravensbruck for the initial discussion, it was decided by Professor Gebhardt that I was simply the clinical observer there; I only had two hours at my disposal and that the clinical examination before and after was to be the job of the camp physician.

Q Well then you left all that work up to Schiedlawsky and Overhauser and Oberhauser prepared the subjects for the operations; didn't she?

A Oberhauser carried out the preliminary examinations and then made the preparations for the operations; yes.

Q Now, you have stated that all of these subjects were under anesthesia when you arrived; Oberhauser administered the narcotics, didn't she?

A How that was in detail I cannot say, but it is quite possible that she did take part in it, yes.

Q Now, Doctor, in your affidavit, which was written in November, 1945, you stated that these bacterial culturals used in the experiments were obtained from the Hygienist to the Waffen SS; do you still maintain that they were obtained from the Hygienist to the Waffen SS?

A Yes, I know that is correct.

Q Now you are refuting the fact, as stated in your affidavit, that correspondence was carried on with Mrugowsky regarding these cultures; is that right?

A So far as Mrugowsky is personally concerned, I am in the following situation, Mr. Prosecutor. I must try to recall whether my memory is correct that this was correspondence with Mrugowsky is really correct and accurate. I have already described the details which led me to the belief that I would have to withdraw from my statement in the affidavit. I seem to have a visual image of a signature and I believed that it was not correspondence with Mrugowsky's institute, but with Mrugowsky himself, but I am no longer in a position to state with the same definiteness as I did before.

Q Now, this affidavit, which you executed, was executed in November of 1945 before Major Monnigan. I am sure that Major Monnigan never heard the name Mrugowsky before at all; was that not suggested to him by you?

A. Absolutely. I was of the opinion at that time that I would remember that name on that document but I must say that the Hygienic Institute of the Waffen SS was known to us generally as the Mrugowsky Institute. I did not know the name "Mrugowsky" simply from the signature, but I knew the name "Mrugowsky" as the chief of that Hygienic Institute. His signature was not my only point of departure for the belief that Mrugowsky was involved. I mentioned the name "Mrugowsky" to the interrogating officer in November, 1945, to be sure. It is correct what I was telling about the letter mentioned.

Q. At that time you had no idea you were going to be indicted, did you?

A. I did not have any precise notion as to what would happen to me at that time.

Q. All right, now, this particular correspondence that you refer to that had the signature on it that you now cannot recollect whether it was the signature of Mrugowsky, what was the gist of that correspondence?

A. So far as I recall, the subject of this correspondence was a discussion of the question how an inflammation in general and specifically a gas gangrene inflammation could be dealt with.

Q. Well, now, all this occurred after the first two series of experiments, as I understand it.

A. This happened after the first fifteen persons, yes.

Q. Well, now, your need for these glass splinters and cultures arose when it became apparent that up to that point the inflicted wounds did not simulate actual battlefield wounds, is that right?

A. You stated it a little too broadly. When we saw that the inflammation that arose in the first experiments really was not an inflammation at all, consequently it was no effective test of the effectiveness of sulfonamide.

Q. Now, Dr. Fischer, was there a bacteriological department at Eichenlychen?

A. No.

Q. Did you have any facilities at Hohenlychen to prepare bacterial cultures?

A. No, there was no way of doing so.

Q. In order to obtain the cultures which were used in your experiments, was it not necessary that they be obtained from a bacteriological or hygienic institute?

A. Yes, that was necessary.

Q. And, in fact, was the Hygienic Institute of the Waffen SS headed by Mrugowsky which supplied the cultures?

A. Yes, it was that institute.

Q. These cultures were potent and virulent; weren't they?

A. The intensity of the cultures is dependent on the density of the bacteria in them.

Q. Well, now, you have had some general experience along these particular lines in the course of your medical education and your internship. Now, let us assume, Doctor, you were the head, the chief, of a hygiene institute. Would you have allowed such potent and virulent cultures to leave your institute without your approval?

A. I must say to this that the bacterial intensity in this case was no stronger than in other experiments. If it is said that these were particularly potent or virulent cultures, this proposition is not correct. Secondly, I do not know what goes on in a bacteriological institute, but I believe that the sending out of bacteriological cultures is one of the daily events in such an institute.

Q. What effect would the application of these cultures to a human being have?

A. They brought about an inflammatory bacteriological reaction.

Q. Pretty virulent, isn't it. Now, Doctor, could Mrugowsky's institute, in your opinion, have supplied such cultures without the approval and knowledge of Mrugowsky?

A. The question didn't come through entirely clearly. Would you mind repeating it, please?

Q. Could Mrugowsky's institute, that is, the Hygienic Institute of the Waffen SS, have supplied such cultures without the approval and knowledge of its chief, Dr. Mrugowsky?

A. I cannot answer that question.

Q. Could you or anyone else in the Hohenlychen staff have obtained these cultures from the Hygienic Institute of the Waffen SS without the knowledge and approval of Gebhardt?

A. No. In Hohenlychen that would have been impossible.

Q. Were you not aware of the fact that the sulfanilamide experiments must have caused considerable pain to the experimental subjects? Did you hear my question, Doctor?

A. I heard and understood the question. Mr. Prosecutor, I have seen many human beings who were sick, and I know what an unhappy fate it is to be sick. On the other hand, I know that the pains that make sickness so serious a matter are not in every case dangerous pains. I would like to say that there are sicknesses that are painful but not dangerous, and there are other sicknesses that are less painful but much more dangerous. I had always been raised to respect and to pity human suffering. I, therefore, ask you not to put a question to me that I should have to answer against my inner convictions for the sake of my own defense in that I should have to say that these unfortunate persons had no pain, because, of course, they did have pain.

Q. Well, didn't you also consider in addition to this pain that they endured during the course of the experiment that eventually mental depression might have been caused by these pains and by the inability to walk? Didn't that enter into it at all, Doctor?

A. In all these matters I was not entirely impervious to feelings, and those are the reasons why doing this job was so difficult for me. In order to prevent a spreading of the disease past a certain degree, we carried out the surgical operations of which I have spoken, but I believe I can really only answer this question if I return to what I said at the beginning. As an individual, I disapproved of this entire course of events.

but I stood confronted with a problem and a responsibility that extended past the sphere in which I could arrive at my own private decisions. This all took place at a time when I could not say to myself at all: Active men should consider only the consequences on human beings of their actions.

If you think now of what our motives must have been at that time, that would be the same thing as thinking that other human beings

might have approved of inflicting pain and death and have taken the responsibility for doing so.

You must think of the different orientation. I confess all this, that these poor people did feel pain and that they were unable to walk, but I must say that I at that time was not in a position to prevent these things in any way or to give that course of developments a different direction. The initiative for these acts did not originate in myself.

Q Now, Doctor, I am fully aware of your position in this matter and the defense which you have offered, but I have a few technical questions I am going to put to you, and each time I ask you a question, I don't want you to go into this tete a tete about the fact that you were fully aware of the pain and suffering. I just want to find out why you didn't do something about it. As you know, Mr. McHaney and I have always contended that you could have done something about it. Now I will continue.

You did know that these operations would have a lasting effect on the victims and could practically cripple the, didn't you?

A No, I cannot say it that way. I knew that after a surgical incision a scar resulted, but it was to be assumed that this incision would be about the size of a boil and that what would subsequently result would simply be the scar after the incision and a certain stiffening of the muscles in that region; but a crippling of the sort that you are insinuating was not something that I expected as a consequence.

Q Well now, Doctor, your affidavit, that is document number 228, Prosecution Exhibit No. 206, I call your attention again -- you executed this in November 1945. You testified that incisions were made on the lower part of the leg in order to make an amputation possible.

Now then, you did expect that it was possible that these operations might have a lasting effect on the victims, and you expected that eventual amputation might be necessary, didn't you?

A If one desires to carry out such a surgical operation then you consider the maximum security and in so doing one must attempt to anticipate any possible contingency. I should not be honest if I should now try to state that in the case of an infection with gas gangrene I could not have seen the possibility of serious infection, or let me state it differently. I cannot say it was completely out of the question that serious consequences would result. In order to have absolute preventative measures, to have taken such measures, we carried out the surgical incision of which you just spoke.

Q Now how about these poor girls who were in the control group. In each series two persons were not given sulfanilimide as a control to determine its effectiveness. How about those girls? Didn't you expect it might be necessary to amputate in their cases?

A No, at the time it turned out that sulfanilimide was not as strictly effective as we had expected. Consequently the subjects who received sulfanilimide and those who did not went through the same case history. Also I must tell you a basic principle of surgery. The surgeon believes that he is on pretty safe grounds when there is a local infection, because he can always prevent the infection spreading by the use of his surgical knife and this was the case with those persons who did not receive sulfanilimide.

Q Now, doctor, you have heard in this court room the witness Madzka who testified to the effect that the victims of these experiments who died, that is the Polish girls Kuraska, Peplawka, Arusz and Povalowitz would have been saved if amputations had been carried out in time. Dr. Madzka, as you remember, had a medical education, and she was on the scene, now why did you not yourself carry out these amputations, and why did you not order someone else to save the lives of these

girls, or was it in the cards that these girls should die?

A I heard the witness, Madzka testify here and I am fully persuaded that Dr. Madzka had good medical training and can express competent opinions on that subject. Nevertheless I should like to say that the evaluation and adjudging of these case histories by Dr. Madzka can be interpreted differently, and I should like to say that the case histories were really different from the way she described them. The hope to keep the sickness from spreading, which Dr. Gebhardt expressed to keep it local, was in vain, if the inflammation did spread throughout the whole tissues. The correct evaluation of such a situation is very difficult and depends upon how much experience the individual has had. Consequently, I should like to say in all modesty that perhaps Dr. Madzka could have been wrong. So far as I observed these things and so far as Dr. Gebhardt saw them, there was no further hope of saving such a life through amputation. The other thing you said in your question, namely, that this might have been in the cards, this I must dispute. Very unfortunately that was not the case.

Q Now doctor, these particular girls who died as a result of experiments, were you attending them when they died?

A First, I was not with them when they died, but during the process of the disease I was present. It took place rather rapidly. I visited their sick beds daily but at the moment that they died I was not on hand.

Q Did Gebhardt - was he attending them when they died?

A He visited them during their sickness, but so far as I know he was not there when they passed on.

Q Who reported their deaths to you?

A Someone among the staff of camp physicians. I don't know who it was at the moment.

Q Oberhauser, wasn't it?

A It is quite possible that it was she.

Q Now, doctor, you have stated that you cannot recall and you do not remember ever having used tetanus in connection with these experiments. Did you ever consider that sulfanilimide was a potent remedy against tetanus?

A No, nor is it true. Sulfonimides do not have any effect on tetanus germs. We never carried out any inoculations with tetanus. That is out of the question.

Q Now, Madzka says again on page 1439 of the record that Veronika Aruska was infected with tetanus, wasn't she?

A It is true that Dr. Madzka said so, but I can say for certain that in these cultures there was not any tetanus so far as we knew and in this connection one can point out that there are cases in which tetanus might come up, but at any rate tetanus bacteria were not the cultures which we received.

Q Now assuming the testimony of Dr. Madzka was correct, purely an assumption, now, doctor, on your part in view of this testimony that Miss Aruska was infected with tetanus in these experiments to determine the effect of sulfanilimide and it could be said medically she was doomed to die from the moment she was infected, is that right?

A Under this assumption I can say the following: I have only seen one or two cases of tetanus in my whole professional career, but so far as I know the prognosis in the case of tetanus is serious. I say this only on the basis of that assumption that you proposed. I can, however, say definitely and specifically we never carried out inoculations with tetanus bacilli.

Q Now, doctor, at this particular time were you familiar with conditions and the situations existing in concentration camps?

A No, I was not.

Q Were you familiar with the situation existing in Ravensbrueck?

A I knew, of course, I heard of the existence of a concentration camp Ravensbrueck only immediately prior to these experiments and before then I could never have imagined what the term concentration camp meant or implied.

Q Well now these girls who had been experimented upon after the completion of the experiments, were they in a position to work?

A I should like to assume so for the greater part of them, for in most of the cases there was only a local inflammation which was then healed and which subsequently left no functional disturbance except, of course, for the scar. With such a scar on them, human beings, of course, can work, and it is customary that people who have scars do work. I believed at that time that on the contrary they received preferential treatment, or would have received it. In other words, they would not have been asked to work.

A Now do you suggest to me, doctor, there would have been some girls who would have been unable to work, is that right?

A No, if you got that impression the translation was not correct. I wanted to say that being used for work would not have been a great burden on the great part of those who were experimented upon, and in the case of the last group who were seriously sick, they could not work for some period of time.

A Well, you were aware of the fact, the girls in Ravensbrueck were subjected to hard labor at times, weren't you?

A I knew nothing about these matters and I find difficulty in expressing myself here but I am sure you will understand me if I say that I did not inquire further into the cir-

cumstances there than was necessary for my work. I have no precise notion of what labor demands were made on the inmates in particular. I know nothing of increased labor demands made on them.

Q Well, do you know, doctor, and I assume you did, that inability to work in a concentration camp was identical with the death sentence, that only people who were able to work could survive in those surroundings. Didn't you know that?

A No, that I did not know, Mr. Prosecutor.

MR. HARDY: This is a good breaking point, your Honors. I am going to another subject.

THE PRESIDENT: The Tribunal will be in recess.

(A short recess was taken)

THE MARSHAL: Persons in the court room will please find their seats.
The Tribunal is again in session.

BY MR. HARDY:

Q Dr. Fischer, you have testified here at some length in connection with the bone transplantation experiments. Now, you are a trained pathologist and I am now asking you as an expert - is there any difference in the regeneration of bones of animals of the mammalian group compared to that of human beings?

A I cannot give you an exact answer to that question which could, in any way, be the answer of an expert. I believe, however, that in the case of animals the situation will be different and that for that reason there can be no possibility of comparison of regeneration compared to human beings. In order to summarize it in one sentence: As far as I remember, the power of regeneration of the tissues with animals is much stronger than in the case of human beings.

Q Now, doctor, could these bone transplantation experiments have been carried out on animals just as well as human beings except for the fact that, under the circumstances, human beings were cheaper than animals?

A With reference to your latter sentence, I really don't think I want to answer it. The bone transplantation was not carried through by me and I only have knowledge of it as it could be read in the publications of Dr. Stumpfegger. As far as I am informed, Dr. Stumpfegger wanted to prove something else and that was the autogenic substance, a certain power which only could be tested in relation to the human being.

Q Did you ever remove extremities or parts of extremities from any inmate of the Ravensbrück Concentration Camp and transport that limb or part of a limb to Hohenlychen?

A No, that was not the case. With the exception of the single case of mobilization of a shoulder blade which I described this morning during direct examination.

Q Well, now, that scapula or shoulder blade - that is a part of the shoulder girdle, is it not?

A Yes, that is a part of the shoulder girdle.

Q Is it an important part of the shoulder girdle or isn't it?

A It is a very essential part of the shoulder girdle.

Q Now, after removal of the scapula, is a man no longer able to elevate his arm?

A Yes, partly he is able to do that, but the movement is certainly essentially restricted.

Q Well, now, the prisoner whose shoulder blade you removed - was that a man or a woman?

A I don't know that exactly.

Q Do you know his or her name?

A No, I don't know that.

Q In previous interrogations, Dr. Fischer, you have stated that it was a man while Gebhardt stated it was a woman. Can you clear this mystery up for us?

A Yes. Inasmuch as I wasn't informed about that person for the reasons which I have described. When having this evening conference with Stumpfegger I had the impression that we were concerned with the shoulder of a male inmate whose arm had been amputated - or rather, whose hand had been amputated.

Q Now, I have been waiting for that statement. You told Mr. McHanoy and I in our interrogation last fall that the person upon whom you had operated to remove the scapula that said person had no arm. Now you say no hand. Which is true?

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A. No, Mr. Prosecutor, this conversation to which you are referring contained exactly the same testimony which I made here now. At that time you also asked me whether I was not in a position to observe that. We are speaking about an arm amputation but in most cases we don't mean the amputation of the entire arm but the amputation of the essential functional part of the arm, which is the hand. For instance, in technical terminology one might say "he is a man whose arm was amputated", when in reality only his hand was amputated.

Q. Well, now, Doctor, did you examine this man yourself?

A. No.

Q. Did you talk to him?

A. No I didn't.

Q. Do you know whether he gave consent to the removal of his scapula, which is the main bony part of the shoulder girdle?

A. No, I did not know that either. I tried to describe to you today what the special situation was under which I was assigned to do the job and under that situation I mobilized that shoulder blade.

Q. I am fully aware of that, Doctor. Now do you mean to tell me that you could possibly operate on a person and remove his scapula and not be able to determine whether or not that person had a hand or an arm?

A. Yes, that is possible.

Q. Goodness Doctor, you were right over the person, were you not?

A. Yes.

Q. And you still couldn't tell whether or not that person had an arm?

A. Mr. Prosecutor, the person who is being operated on is completely covered except for the part which is the area of the operation.

Q. Well, I should think it would be obvious, regardless of the fact that they are covered, that there is no arm under the sheet or whatever they cover them with.

A. No, that isn't the case.

Q. Well, now, do you know what happened to this fellow afterwards?

A. This patient we are concerned with went over to the care of Dr.

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Stumpfer, Jr.

Q. Did you ever see him again?

A. Mr. Prosecutor, I went to Berlin the beginning of January, by order. I did not see him again.

Q. Would it have been important now, Doctor, to find out whether this man's arm, if indeed useless it was, became more or less useless after removal of the scapula?

A. Basically I have to affirm that question. It would be right, in order to answer the entire question I have to say that we had an opportunity in our clinic to observe such conditions beforehand.

Q. Well, do you know whether or not the victim was killed after the removal of his scapula?

A. I do not know that.

Q. What was the name of the patient into whom the scapula, which was removed from this prisoner, was transplanted at Hohenlychen?

A. His name was Ladisch.

Q. Who was he?

A. He was a student, in his early 20s.

Q. Was he an S- man or a private patient?

A. He was a private patient.

Q. Now, Doctor Gebhardt, on direct examination and in the cross-examination, stated that the reason for inserting the scapula into the patient Ladisch was the fact that this patient was, and I quote, "endangered by cancer". Do you think that the implantation of a bone in any way has any curative effect on cancer, such as Gebhardt suggested in his deliberately misleading statement, or could the implantation of this bone at best have had merely a plastic effect?

A. Mr. Hardy, you expect me to critically define myself to a testimony which was made by my former chief physician and by my medical teacher. I ask you to consider that and I want to tell you the following. The patient, Ladisch, had a swelling which obviously looked malignant. It was in the area of the shoulder bone. He was the subject of long care and many examinations. I saw

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a number of preparations for those examinations. It was extremely difficult to decide what the actual progress was.

Q. Doctor, you are somewhat of an expert on cancer research, aren't you?
A. I recall, in your affidavit you said "Since I succeeded in scientific discoveries of the highest practical importance, that is, the solution of the cancer problem and its therapy, I have not communicated this fact to Professor Gebhardt and have not published this work, in order not to be ordered again to carry out experiments."

INTERPRETER: Would you repeat that please? It did not come through in German.

Q. You were somewhat of an expert on cancer research, weren't you?
A. I cannot affirm that just like that. I endeavored to work in that field. That was on the basis of my pathological and anatomical experience, on the basis of chemical work, and on the basis of experience in the field of x-ray and radio-therapy.

Q. You are aware, aren't you, Dr. Fischer, that Professor Gebhardt was deliberately talking nonsense when he suggested that the transplantation of the scapula had anything to do with reducing the danger of cancer? At best it was a very long shot that it might replace a bone destroyed by cancer. From your knowledge you know, of course, that the cancer could have been removed probably more completely if this attempted transplantation had not been carried out, is that right?

A. No, that question cannot be formulated in that manner. The surgical therapy, and I want to make that clear in order to distinguish it from any other kind of therapy, is always part of a mutilating operation, distinguishing mutilating operation from a rehabilitating operation. The form of surgical therapy of cancer consists of an operation of the diseased tissue and the area around it from which it had to be assumed that it would also be the place of a new infection; all these areas would have to be removed. The conceptions about a therapy which would go beyond this mutilating operation, differ. At

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all times concepts and schools existed which endeavored on the one side to connect the mutilating operation with a rehabilitating operation in the case of cancer. That is the concept which was often presented in the school of Loxer, mostly in the case of a swelling which is just on the borderline of malignancy, as was the case here. In text books it is quite easy to decide what is malignant and what is not, but in reality the case is different. In the case of Ladisch, the borderline had just been reached, and a decision was extremely difficult. I am convinced that my medical teacher and chief, Gebhardt, had the intention at that time to just coordinate the mutilating operation with a rehabilitating operation, with the concept, perhaps under the influence of Stumpfegger, that the tissue from a healthy cone might, in certain sense, have a therapeutical effect. With reference to my last sentence, I must say that I am only assuming that.

Q Be that as it may, Doctor, you do know that that transplantation didn't even have a plastic effect on the patient Ladicz, don't you?

A As long as I was in Hohenlychen and saw the patient Ladicz before me, I could gain no final picture about the result of the operation.

Q Is it not true, Dr. Fischer, that while autoplasmic transplantations, that is transplantation of bone from one bone of the patient to another bone of the same patient, if carried out carefully are successfully, that heteroplasmic or homeoplasmic transplantation, as Dr. Gebhardt called it during cross examination, that is, transplantation of bone from one individual to another individual, usually fails, according to all existing knowledge derived from experience on animals as well as human beings?

A Mr. Prosecutor, the question didn't come through as a question. I don't know what the subject of your real question is.

Q I have stated, Dr. Fischer, is it true or isn't it true, that a transplantation of a bone from one individual to another individual usually fails according to all existing knowledge derived from experiments in animals as well as human beings?

A I believe that lately there has been an essential change. It is correct that in the middle of the twenties, as far as one still used the method of bone transplantation, one completely turned toward autoplasmic transplantation. That was the method which was particularly cultivated at Hohenlychen. As I had to assume, my chief had the concept that other ways were possible too. He thought that one of these ways was the homeoplasmic transplantation, that is the transplantation from one human being to another. At least I had to think that Professor Gebhardt considered that opportunity and perhaps thought that this was a way of some future development in rehabilitation surgery.

Q Well, now, in your opinion, should this whole question of heteroplasmic or homeoplasmic transplantation, in contrast to autoplasmic transplantation, that if a reinvestigation of this old settled problem, that homeoplasmic transplantations were unsuccessful, was it indicated at all, wouldn't you think it would first be advisable to re-investigate this problem in animals before depriving human beings perhaps of their limbs?

A I am not quite clear where your emphasis lies in putting that question. The question of autoplasmic transplantation cannot be solved in that manner which you like to assume, Mr. Prosecutor; and as to the question of homologous transplantation, that is the transplantation from one individual to another, I should like to tell you that in the lower series of animals homologous transplantation is possible.

Q Well, Doctor, could all of these bone operations including the transplantation experiments and the removal of the shoulder blade from the concentration camp prisoners, and where limbs or parts of limbs may have been removed in connection with these experiments, could all of these experiments which we are grouping together under the name of "transplantation experiments" have been carried out, if Gebhardt had not approved?

A I must answer this question in its various parts. I don't know the transplantation of entire limbs; How far and to what extent Gebhardt exercised an influence over Stumpfegger, I cannot tell you, since I did not converse with either of them, and since I am not in a position to judge the relations between Prof. Stumpfegger and Dr. Gebhardt and analyze them. I can only say that the mobilization of the shoulder blade would not have been possible if it had not been carried out by strict and unambiguous order of Professor Gebhardt.

Q In connection with these experiments, do you think Gebhardt could have prevented them if he had wanted to do so?

A Your question goes beyond my competency of answering it. The power of Gebhardt is based on a relation and attitude towards Himmler and Hitler. I can say nothing about that since I never saw Hitler at all, and since I only saw Himmler on a few occasions of visits to Hohenlychen, but never spoke with him. Since the core of the question is about the relations of Gebhardt and Himmler, and since I know nothing about that of my own knowledge I am not in a position to answer the question as you put it.

Q Did Stumpfegger have any rank in the SS or any military organization?

A Stumpfegger was finally Obersturmbannführer of the Waffen-SS.

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Q And Gebhardt was Gruppenfuehrer?

A Yes, Gebhardt was Gruppenfuehrer.

Q Doctor, is it important in all bone operations to observe asepsis capillae because of the fact that an infection of the bone marrow leads to osteomyelitis?

A I don't think that was translated properly. You probably mean asepsis.

Q I said asepsis, yes.

A The asepsis the basic request for a plastic operation on the bone.

Q Well, now, do you know, Dr. Fischer, that the prisoner, Helena Teasakka, one of the Polish girls, is still severely ill from a crippling osteomyelitis ever since the bone operation was performed in the summer of 1943, do you know that?

A No, I don't know that, Mr. Prosecutor, and I must ask you how should I know that?

Q For your information, Doctor, we were unable to transport her from Warsaw, because of her condition and the crippling osteomyelitis which she is now going through. Did you ever examine her?

A No.

Q Now, was a bunker, not the hospital barracks, or the operating room, but was the bunker a suitable place to perform aseptic operations?

A I don't know the bunker, and as far as I am informed there was a bunker at the hospital barracks of the camp. I should like to tell you once more that I know of no operations performed in the bunker. As far as I am informed, on the basis of the indictment such operations were carried out in August 1943. During that time I was serving with a Division as a physician there.

Q I will ask you a technical question in that regard as an expert, as a physician: One of the Polish girls here testified she was operated on the fifth time in the bunker; was it not a foregone conclusion that a patient operated on under such conditions would develop infection?

A May I ask you for the name of the patient, was it Miss Karoleska?

Q Frankly, Doctor, I can't remember offhand. We will pass over that. At this meeting in Berlin in May 1943, in which you and Gebhardt reported the results of your experiments was Handloser there?

A Professor Handloser was present, yes.

Q Was Brandt there? Karl Brandt?

A Yes.

Q Was Dr. Leonardo Conti there.

A Yes, he was present.

Q They were sitting in the front row, were they not?

A Yes, these three gentlemen sat in the front row, yes.

Q Brandt was in the middle, wasn't he?

A Yes.

Q Was Dr. Rostock there?

A Yes, Professor Rostock was present too.

Q Were any of the other defendants there?

A Dr. Poppenhick was there too.

Q Did you and Dr. Gebhardt take along Dr. Oberhauser with you, so she could see some of the fruits of her work, or was she absent?

A Dr. Oberhauser was not there.

Q Now, you testified this morning that Gebhardt gave his report, and then you gave a report; did I hear you correctly in that you stated that from your report it could have been ascertained that three persons died as a result of the experiments?

Q Was it or was it not obvious from this report of Gebhardt and yourself that concentration camp inmates were used?

A I endeavored to remember that exactly! At that time, and always since, I had a conception that that was so. I myself didn't report on that, since I only mentioned the technical part. The introductory words were spoken by Professor Doctor Gebhardt. As I now try to concentrate on these matters as try to give you some reliable information, I cannot tell you with a certainty that the word "Concentration Camp", or the concept concentration camp, was mentioned during the report made by Professor Gebhardt.

Q Did Gebhardt make it obvious that involuntary subjects were used?

A No, he did not do that.

Q Did Rostock state that it was obvious that involuntary subjects were used?

A Professor Rostock did not speak at all on these matters.

Q Didn't Professor Rostock tell us that he can recall Professor Gebhardt said they used persons condemned to death for these experiments, and such persons would receive a pardon if they successfully underwent the experiments; I am sure he told us that?

A I remember that too, I remember he said it here, here on this seat.

Q After your report did Brandt stand up and object.

A No, that was not so.

Q Did Handloser object?

A No, nobody objected.

Q Nobody inquired about the three deaths which were obvious from your fever curve charts, or whatever reports you did have there?

A Nobody did that during the meeting, and nobody raised any such questions when speaking to me personally.

Q Didn't Gebhardt, in his testimony while on the stand, which is on page 3969 of the English transcript, page 4001 of the German transcript, state, and I quote: "I have always obeyed what was ordered, and demanded the same from anyone who was subordinated to me." Is it true in your opinion that Doctor Gebhardt always insisted on absolute obedience?

A Dr. Gebhardt always maintained this principle of absolute obedience in his clinic, and whenever he was active in military situations he demanded and maintained that principle to an extreme extent with the help of his powerful personality.

Q What was your rank, Doctor?

A In July 1942 I was Obersturmfuehrer.

Q Did that place you definitely under Gruppenfuehrer Gebhardt in his triple capacity as a Gruppenfuehrer, Chief Physician of the Medical Service of the SS, and Chief of Hohenlychen hospital?

A I was subordinated directly to Professor Gebhardt in a very clear channel of command.

Q What was Dr. Stumpfegger's rank again?

A Dr. Stumpfegger was at that time Sturmbannfuhrer.

Q Was he also an assistant in the Hohenlychen hospital?

A Dr. Stumpfegger during peace time was assistant at Hohenlychen, and he was assistant there at the beginning of the war; then he went to the front as the leader of this Surgeons' Group to the divisions and in 1942 was the escort physician of Himmler.

Q Well, during the time that Stumpfegger was at Hohenlychen engaged in his activities at Ravensbrueck did Gebhardt, the Gruppenfuhrer, always insist on absolute obedience on the part of Dr. Stumpfegger?

A Stumpfegger, on the basis of his position with the Reichs Fuehrer, held a special place, and he was no longer a member of the clinic during that time. Stumpfegger, who later became the escort physician of Hitler, went away from the ties of the clinic and had a special situation which had nothing to do any more with the clinic or the hospital.

Q Well now, could Dr. Stumpfegger, while working at Hohenlychen or Ravensbruck, do any experimental or surgical work of which Dr. Gebhardt disapproved?

A Yes, Mr. Prosecutor, I would assume that.

Q What sort of a person was Dr. Gebhardt as a chief; could one talk to him or argue with him, or did he tolerate no argument or contradiction?

A Professor Gebhardt was an active man, he was a creative man, he was not quite easy to work for as a superior, and the possibilities for discussion were very limited. On the other hand, we assistants put ourselves all under his command because we saw a complete justification of his behavior because of the efforts he had made during his life and because of what he achieved. We understood that he wanted obedience, both civilian and military obedience during the war.

Q It is true that he was a hard man to talk to; isn't it?

A It was difficult to get into any conversation with him; whenever he decided to give an order, or when he had come to express an opinion which he himself had already judged he represented this opinion as being correct and maintained this opinion with clear initiative. This is true of all his work, and I should like to say that if had he not possessed this characteristic of a human being, most of his work, which was done by his own personal creation, would not have been possible.

Q Well, now, you state he did not tolerate any argument or contradiction, didn't you?

A No question came through.

Q I said you would state that he did not tolerate any argument or contradiction?

A No, he didn't allow that.

Q Well now, in Gebhardt's direct examination on page 4000 of the German manuscript, Dr. Gebhardt said that the form of orders, and the system of authority under which he lived was, as he knows now, of such stringency that it was only possible if the one giving the order was omniscient; did Gebhardt act in his capacity as a superior as if he were omniscient?

DR. SEIDL (Defense Counsel for Professor Gebhardt): Mr. President, I believe that I can remember what Dr. Gebhardt testified as a witness on the stand. I think I can say with certainty that he made no utterance of that contents. It can only be a question of a mistake in the translation, and I should like to state at this opportunity that in view of the incorrect translation of the statements made by Professor Gebhardt, I have made the application in writing to the General Secretary that the testimony of Gebhardt be compared with the discs and the records made, and that the translation be corrected. With reference to the utterance which has just been quoted, I think I can say with certainty that such a sentence had never been expressed.

MR. HARDY: Your Honor, to avoid any confusion or delay, I will withdraw my question.

BY MR. HARDY:

Q Dr. Fischer, Dr. Gebhardt testified here on the stand that at Hohenlychen he had the supervision of Frau Himmler and her children; was this Mrs. Himmler at Hohenlychen, or was this Himmler's mistress?

A I am not informed about these relationships, Mr. Prosecutor. I am not informed sufficiently to give any exact statements here.

Q Did Gebhardt care for any other women and children of higher officials at Hohenlychen?

A I know nothing of that.

Q What is your frank opinion about the results, scientifically and practically, of the experiments at Ravensbruck; briefly, Doctor?

A I already expressed this opinion during direct examination. I believe that I clearly expressed that the hope which prevailed among certain circles of physicians, namely that sulfonamides would develop a means which would enable us to care for war wounds and would make a careful surgical treatment superfluous, had become a hope which turned out to be a failure, and that I think was the only practical result achieved. I am also convinced that the second conclusion, which bears a more theoretical character, namely the limitation of the effectiveness of sulfonamides in the case of bacteriological infectious diseases, according to the strictest morphological point of view had been a very essential recognition.

A I am almost of the opinion that this will become essentially effective in the future. That is shortly summarized the conception which I have about these matters.

Q Thank you. What was the last time, or when was the last time, in which you saw any of the experimental subjects after the experimental operation, apart from those that you saw in this courtroom?

A That must have been around the middle of December, 1942.

Q For how long after each experimental operation did you have any of these subjects under your observation?

A The regular change of dressing continued up to three weeks.

Q What was the latest time after the experimental operation at which you saw any of these subjects? Was it merely three weeks?

A No. During these changes of dressings patients, experimental subjects from previous experiments reported for changes of their dressing, so that I could check on the patients for a period up to eight weeks.

Q Were any plans made by you and Gebhardt for regular follow-ups after the experimental operations, that is, until such time as the person experimented on was completely restored to a condition whereby they could have freedom of locomotion, and so forth?

A Mr. Prosecutor, the question is not clear enough for me to answer it. May I ask you to repeat it?

Q Were any plans made for regular follow-ups after the experimental operations?

A I believe that Gebhardt had such a plan or, at least, had such an intention. At that time I left Hohenlychen, and I think that if this was not actually executed, it was not done for two reasons: one, -- and I think that is the specific result of Gebhardt's work at all -- that every rehabilitating operation needs a transition period of at least two years, and that every form of exercise treatment, massage treatment and follow-up treatment where any inflammatory disease had only just stopped, is not only useless but extremely dangerous. I believe that the external circumstances alone, and I mean the slowly appearing catastrophe of 1944 and 1945, prevented Gebhardt from realizing his intention.

Q Now, were there any plans made for restorative operations and for cosmetic improvement of the results after a period of one or two years? I think you can answer that "Yes" or "No", Doctor.

A During that time I was not there, and for that reason I cannot answer that question.

Q Well now, Dr. Gebhardt said on the stand that plastic improvement of the operative residuals could have been attempted two years after the experiments. What was done in regard to this problem in the Summer of 1944, and in case you were not there, do you know of any such plans having been made?

A I wasn't there and I don't know what plans were made.

Q Well now, when you returned to Hohenlychen after your injury and took up work there again in 1944, did you carry out follow-up examinations on the experimental subjects in nearby Ravensbrueck?

A Mr. Prosecutor, I didn't return to Hohenlychen, and I didn't work there any longer. I returned, yes, but I returned as a patient, and before my final cure I left the hospital. In December, 1944 I was again in Berlin.

MR. HARDY: Pardon me, Your Honor. I only have a few questions, and I may run over four-thirty, but I can finish today within a reasonable time, and if Your Honor so sees fit, I would like to finish today.

Q Well now, Doctor, you operated on these girls. You were the operating surgeon. Didn't you feel responsible for them?

A Mr. Prosecutor, at that time I was quite clear about that, and I have to revert to the entire situation once more, that during the war situations arose, and if there will be any more wars in the future situations will arise again, there will be situations whrer the individual man who acts must limit his own responsibility whenever anything is ordered in this sense. I don't want to take up your patience and I don't want you to have to listen to yet another example where human beings have to act, have to cause suffering, and in the course of their activity have to experience death, who as individuals would also never do that, and who are freed by the State because of the fact that they were acting

on the basis of the law which takes that responsibility away from them. Beyond that there is a moral sanctioning --.

Q All right, Doctor. We have gone over that several times. I have a few more questions to put to you and you can answer them "Yes" or "No", I believe. If you feel you cannot, you may go into detail.

Now here you returned to Hohenlychen in 1944. You had operated on these girls. You had orders to operate on these girls, you state, but now as a doctor and as a humane person, did you show any interest in the girls when you returned? Did you ask whether they were still alive and how they were getting along?

A I spoke to the Polish technical assistant about that problem. She told me that the experimental patients were still at Ravensbrueck. At that time I expressed my opinion and my concern.

Q Who is this Polish technical assistant? Where was that assistant stationed? At Hohenlychen?

A Yes, she was in Hohenlychen.

Q Where did she come from?

A From Ravensbrueck.

Q Oh, you had inmates of Ravensbrueck working at Hohenlychen, is that right?

A Yes, that was the case.

Q Did you know that the six girls were executed in spite of the fact that they were submitted to these experiments?

A No, I didn't know that, Mr. Prosecutor.

Q Well now, I assume that these girls had an original agreement when they underwent these experiments, according to your testimony and the testimony of Professor Gebhardt, that is, that if they successfully endured these experiments that their sentences would be reduced. Now I ask you, Dr. Fischer, did you make any attempt to find out yourself whether such breaches of the original agreement, assuming that such an agreement did exist, had occurred or had not occurred?

A I turned to Professor Gebhardt with that question about the fate of the experimental subject. I discussed these matters with him because

this was the only channel I had for any such discussion.

Q Well then, Doctor, after these experiments in a place that was twelve kilometers from Hohenlychen, those girls were merely abandoned, young ladies like Miss Kiesmierszak who was here in this

courtroom, to the tender mercies of the concentration camp doctor, is that correct?

A Mr. Hardy, if you are presenting these matters in that form, you are attributing too wide a limitation to me, my possibilities, and my responsibilities. And not as much to responsibility as to the possibility.

Q All right, Doctor, you have stated that as a human being, a person and a physician, that these experiments, or the subjection of persons to experiments without their consent, was not permissible and that you wouldn't have done it under ordinary circumstances, is that right?

A I testified that under normal circumstances I would not have performed these experiments.

Q Well, now, you have stated that the only reason why you performed these experiments was because of superior orders from Professor Gebhardt and above, is that right?

A Yes, that is correct.

Q Suppose you had refused to carry out those experiments, what would Gebhardt have done to you? Would anything have happened to you?

A That is a question which I cannot answer factually, and you cannot expect me to give you an answer whereby I make an assumption or invent something.

In the year of 1942 the basic question was different. It was not a fear of a death sentence or anything like that, but the alternative was either to be obedient or be disobedient during the war, and thereby set an example, an example of disobedience.

Q Now, you the obedient young soldier, Doctor, assume Dr. Gebhardt had ordered you, orders, superior orders from the Gruppenfuehrer, to cut the arm off Dr. Oberhauser because they wanted to use it in an experiment, what would you have done?

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A. I cannot answer that question.

MR. HARDY: I have no further questions, Your Honor.

THE PRESIDENT: The Tribunal will be in recess until
nine-thirty o'clock tomorrow morning.

(The Tribunal adjourned until 12 March 1947 at 0930 hours.)

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